

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

TANGALA CARTER,)	
)	
Plaintiff,)	
)	
VS.)	C.A. NO. 1:19-CV-588
)	
CALIFORNIA GRILL, LLC)	
d/b/a FOXY'S CABARET,)	
)	
Defendant.)	

ORAL AND VIDEOTAPED DEPOSITION OF
TANGALA CARTER
OCTOBER 16, 2020
(REPORTED REMOTELY VIA ZOOM)

ORAL AND VIDEOTAPED DEPOSITION OF TANGALA
CARTER, produced as a witness at the instance of the
Defendant and duly sworn, was taken in the above-styled
and numbered cause on Friday, October 16, 2020, from 10:04
a.m. to 1:47 p.m., before Kari J. Behan, CSR, RPR, CRR, in
and for the State of Texas, reported by computerized
stenotype machine, with the witness participating from her
residence, Austin, Texas, pursuant to the Federal Rules of
Civil Procedure and the provisions stated on the record
herein.

Tangala Carter
October 16, 2020

<p style="text-align: right;">Page 2</p> <p style="text-align: center;">A P P E A R A N C E S</p> <p>FOR THE PLAINTIFF (VIA ZOOM):</p> <p>KELL A. SIMON, ESQ. KELL A. SIMON LAW OFFICES 501 North IH 35 Suite 111 Austin, Texas 78702 (512) 898-9019 kell@kellsimonlaw.com</p> <p>FOR THE DEFENDANT (VIA ZOOM):</p> <p>ROY B. MCKAY, ESQ. HARTLINE BARGER LLP 1980 Post Oak Boulevard Suite 1800 Houston, Texas 77056 (713) 951-4250 rmckay@hartlinebarger.com</p> <p>THE VIDEOGRAPHER: Patrick Blaskopf</p>	<p style="text-align: right;">Page 4</p> <p style="text-align: center;">P R O C E E D I N G S :</p> <p>(Friday, October 16, 2020, at 10:04 a.m.)</p> <p>THE VIDEOGRAPHER: We are now on the record.</p> <p>The date today is October 16th, 2020, and the time is approximately 10:04 a.m. This is the video-recorded deposition of Tangala Carter being taken in the matter of Tangala Carter versus California Grill, LLC, et al, Case No. 1:19-CV-588. This matter is being heard in the U.S. District Court, Western District of Texas, Austin Division, and the deposition is being held remotely.</p> <p>My name is Patrick Blaskopf, a legal videographer representing GPS Court Reporting. The court reporter is Kari Behan, also with GPS.</p> <p>At this time, counsel will be noted on the stenographic record, and our court reporter can swear in the witness, and then we can proceed.</p> <p>TANGALA CARTER,</p> <p>after having been first duly sworn by the above-mentioned Certified Court Reporter, was examined and testified as follows:</p> <p style="text-align: center;">E X A M I N A T I O N</p> <p>BY MR. MCKAY:</p> <p>Q. Ms. Carter, my name is Roy McKay, and I represent Foxy's in a lawsuit that you have been filed -- that you have filed.</p>																																								
<p style="text-align: right;">Page 3</p> <p style="text-align: center;">I N D E X</p> <table> <tr> <th></th> <th style="text-align: right;">PAGE</th> </tr> <tr> <td>EXAMINATION OF TANGALA CARTER:</td> <td></td> </tr> <tr> <td>BY MR. MCKAY.....</td> <td style="text-align: right;">4</td> </tr> <tr> <td>CHANGES AND SIGNATURE.....</td> <td style="text-align: right;">140</td> </tr> <tr> <td>REPORTER'S CERTIFICATION.....</td> <td style="text-align: right;">142</td> </tr> <tr> <td colspan="2" style="text-align: center;">* * *</td> </tr> <tr> <td colspan="2" style="text-align: center;">E X H I B I T I N D E X</td> </tr> <tr> <td>EXHIBITS</td> <td style="text-align: right;">PAGE</td> </tr> <tr> <td>Exhibit 1.....</td> <td style="text-align: right;">10</td> </tr> <tr> <td>(Notice of Deposition)</td> <td></td> </tr> <tr> <td>Exhibit 2.....</td> <td style="text-align: right;">122</td> </tr> <tr> <td>(November 4th Correspondence)</td> <td></td> </tr> <tr> <td>Exhibit 3.....</td> <td style="text-align: right;">127</td> </tr> <tr> <td>(EEOC Charge March 11, 2019)</td> <td></td> </tr> <tr> <td>Exhibit 4.....</td> <td style="text-align: right;">129</td> </tr> <tr> <td>(Affidavit of Taylor Ratcliff)</td> <td></td> </tr> <tr> <td>Exhibit 5.....</td> <td style="text-align: right;">129</td> </tr> <tr> <td>(Affidavit of Tommy Perkins)</td> <td></td> </tr> <tr> <td>Exhibit 6.....</td> <td style="text-align: right;">131</td> </tr> <tr> <td>(Affidavit of Placide Benoit)</td> <td></td> </tr> </table>		PAGE	EXAMINATION OF TANGALA CARTER:		BY MR. MCKAY.....	4	CHANGES AND SIGNATURE.....	140	REPORTER'S CERTIFICATION.....	142	* * *		E X H I B I T I N D E X		EXHIBITS	PAGE	Exhibit 1.....	10	(Notice of Deposition)		Exhibit 2.....	122	(November 4th Correspondence)		Exhibit 3.....	127	(EEOC Charge March 11, 2019)		Exhibit 4.....	129	(Affidavit of Taylor Ratcliff)		Exhibit 5.....	129	(Affidavit of Tommy Perkins)		Exhibit 6.....	131	(Affidavit of Placide Benoit)		<p style="text-align: right;">Page 5</p> <p>Do you understand that?</p> <p>A. Yes.</p> <p>Q. Would you go ahead and first just state your name for the record?</p> <p>A. Tangala Carter.</p> <p>Q. Ms. Carter, have you ever given a deposition before?</p> <p>A. No.</p> <p>Q. Okay. So we're going to first just go over a couple ground rules --</p> <p>A. Okay.</p> <p>Q. -- so go ahead and -- and -- and just -- I'll go through some things, tell me if you don't understand any of them. Some of them are different than normal life; some are pretty normal, you know.</p> <p>Number one, you are under oath today. Do you understand that?</p> <p>A. Yes.</p> <p>Q. And the penalty of perjury applies to your testimony?</p> <p>A. Yes.</p> <p>Q. One thing that -- it's a little less true in federal court. I normally would say in state court we can use your full deposition at trial as though it were your testimony. It's not as true in federal court, but we</p>
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<p style="text-align: right;">Page 6</p> <p>1 probably can. It's a little more of a balancing act.</p> <p>2 But it's important that you testify, you</p> <p>3 know, fully, truthfully, and to the best of your ability</p> <p>4 today because we could potentially use this testimony at</p> <p>5 trial as your testimony.</p> <p>6 Do you understand that?</p> <p>7 A. Yes.</p> <p>8 Q. Do your best -- and you're doing great so far --</p> <p>9 to let me finish my question even if you already know the</p> <p>10 answer. Even if you know what I'm about to ask you, let</p> <p>11 me finish the full question before you answer. Okay?</p> <p>12 A. Yes.</p> <p>13 Q. That's both because there might be something key</p> <p>14 that I'm trying to get in there. There might be an</p> <p>15 important factor that you need to know about before you</p> <p>16 answer that could change your answer, but also for the</p> <p>17 court reporter's benefit.</p> <p>18 So you can't see her anymore; you saw her</p> <p>19 for a minute. She went -- blacked her screen, didn't want</p> <p>20 us looking at her, which I understand. And that's normal,</p> <p>21 and she is good to do that. But she is there, and she</p> <p>22 is -- she's -- if you could see her, you'd see, rapidly,</p> <p>23 those fingers moving. She is typing all the words we say.</p> <p>24 And if we -- if I don't let you finish answers, which I</p> <p>25 may do -- and I apologize now for it -- or you don't let</p>	<p style="text-align: right;">Page 8</p> <p>1 conversation. That's one of the weird things in a</p> <p>2 deposition.</p> <p>3 Because the court reporter is taking down</p> <p>4 what you say, she can't take down a head nod as well, and</p> <p>5 she has to guess whether you meant a "yes" or a "no," and</p> <p>6 that could mean that Kell and I have to fight later: No,</p> <p>7 no, that was a up-and-down head nod; no, side to side.</p> <p>8 And it's -- it's -- we want to avoid that. Okay?</p> <p>9 A. Okay.</p> <p>10 Q. And also, I may occasionally say: Was that a</p> <p>11 "yes," or was that a "no"? Normally what I'm trying to do</p> <p>12 is make sure I had a clear answer and a clean record.</p> <p>13 That doesn't mean I'm trying to say you're lying or that</p> <p>14 -- that -- you know, "Was that a 'yes'" doesn't mean I</p> <p>15 think that you're not telling the truth or you need to</p> <p>16 change your answer. It's usually trying to get a clear</p> <p>17 record. Okay?</p> <p>18 A. Okay.</p> <p>19 Q. I like to highlight that because sometimes get</p> <p>20 offended at that or get confused, and I want to -- want</p> <p>21 you to know why.</p> <p>22 I'll give you the next instruction. It's</p> <p>23 worked about once in a -- in history. Every other time,</p> <p>24 someone pauses after, and still it doesn't work, but --</p> <p>25 and actually, we're in federal court, so Kell can actually</p>
<p style="text-align: right;">Page 7</p> <p>1 me finish a question, what that does is, instead of it</p> <p>2 being words, words, words, words, words, words, and a</p> <p>3 good-looking transcript, we get a word, a word, a word, a</p> <p>4 word, a word, a word, a word, and it's very hard to follow</p> <p>5 the transcript. Okay?</p> <p>6 A. Okay.</p> <p>7 Q. It also makes it really hard for her because if</p> <p>8 she -- you know, it's hard enough to type at the speed one</p> <p>9 person talks. If two people are talking, it's basically</p> <p>10 impossible.</p> <p>11 If you don't understand any question I ask</p> <p>12 you today, just tell me. I'm glad to rephrase it, re-ask</p> <p>13 it, explain it, whatever you need so that you understand</p> <p>14 it. Okay?</p> <p>15 A. Okay.</p> <p>16 Q. If you don't understand a question and you don't</p> <p>17 tell me about it and you answer it, then, we, the judge,</p> <p>18 and the jury, we're going to have to assume you understood</p> <p>19 it because you answered it. Make sense?</p> <p>20 A. Yes.</p> <p>21 Q. Do your best -- you're -- you're -- I think</p> <p>22 you're going to do great at this, but do your best to</p> <p>23 answer with a "yes" or a "no" or another verbal word-based</p> <p>24 response, not a "uh-huh," "uh-uh," or "this" or "that"</p> <p>25 (indicating). We all do that. That's normal</p>	<p style="text-align: right;">Page 9</p> <p>1 -- can theoretically object more than just form. I don't</p> <p>2 care of he objects form or more; it doesn't really matter</p> <p>3 at this point. But if he objects, unless he tells you to</p> <p>4 not answer -- and I don't think I'll draw any of those --</p> <p>5 listen to him, give him a chance, stay out of his way so</p> <p>6 that it gets clean on the record, but then just go ahead</p> <p>7 and answer the question and ignore him. It's for us and</p> <p>8 the Court. Okay?</p> <p>9 A. Okay.</p> <p>10 Q. If he doesn't want you to answer, he will let you</p> <p>11 know.</p> <p>12 A. Okay.</p> <p>13 Q. I think that's it.</p> <p>14 Is there anything -- any medication or any</p> <p>15 other reason that -- that you're on today or that's</p> <p>16 affecting you today that would prevent you from giving</p> <p>17 full, honest testimony here today?</p> <p>18 A. No.</p> <p>19 Q. The one other thing, we are on video, and that's</p> <p>20 great, and it makes things a lot easier. In some ways, it</p> <p>21 also makes things harder. One thing that's going to</p> <p>22 happen is we're going to have technical issues. That</p> <p>23 could mean that I drop, you drop, the video gets stuttery,</p> <p>24 the audio gets stuttery. And I may not you hear you; you</p> <p>25 may not hear me. If that happens, just -- let's work</p>

<p style="text-align: right;">Page 10</p> <p>1 together. Tell me if you can't hear me; I'll do the same. 2 We may have to re-ask questions; we may have to restate 3 answers. Whatever we have to do, we'll do. Okay? 4 A. Okay. 5 Q. Every once in a while, it will kind of drop or 6 something will happen. Usually, you can fix that by just 7 refreshing your browser, and we -- we'll try to do that. 8 But we'll -- we'll figure it out, and just work with me. 9 A. Okay. 10 Q. The only other thing, I'm going to go ahead and 11 share -- so I've got some documents that I was able to 12 upload, and we'll go through some documents as we go 13 through this. And before we start, I want to go ahead and 14 give you kind of a -- a walkthrough of how that looks just 15 to make it easier and to help you when we get to them for 16 real questioning. 17 So I have shared a document and marked it as 18 Exhibit 1. Do you see that? 19 A. Not yet. It's still loading. 20 Q. Understood. 21 And that's one thing you'll have to -- if it 22 loads for me faster or it loads for you faster, we'll have 23 to just communicate and say: Hold on. Let it load. 24 Just tell me whenever it's loaded. 25 A. Okay.</p>	<p style="text-align: right;">Page 12</p> <p>1 or whatever, kind of, browser here. It's an independent 2 browser, and at the top, there's a plus/minus where you 3 can change zoom. Do you see that? 4 A. Yes. 5 Q. And you can either scroll with your mouse, or 6 there's the little scroll bar on the side. You can use 7 that to go up and down. 8 Do you see that? 9 A. Yes. 10 Q. Okay. I -- I just wanted to make sure that you 11 were able to use it. The -- the important thing is some 12 of these remote depositions are done on Zoom, and when we do 13 that, we have to share our screen. You have to look at 14 exactly what I'm looking at. That has benefits and 15 negatives. 16 Here, this platform, which I -- I frankly 17 like a little more, it allows us to independently look at 18 the document ourselves, but the one downside to that is 19 you and I will have to communicate about what we're 20 looking at just to make sure we are on the same page. 21 Okay? 22 A. Okay. 23 Q. So just keep in mind, like, if you're looking at 24 page 3 or, you know, a -- paragraph 14 or something, 25 rather than just saying: What I'm looking at blah, blah,</p>
<p style="text-align: right;">Page 11</p> <p>1 Q. Is it up? 2 A. Not yet. 3 There it is. 4 Q. Okay. And we -- okay. 5 So there's really -- we're not going to go 6 over what I -- what I attached right now. Do you see what 7 it is, though? 8 A. Yes. 9 Q. What is it? 10 A. It's United States District Court for the Western 11 District of Texas, Tangala Carter versus California Grill 12 LLC, Foxy's Cabaret. It looks kind of -- and it's the 13 summons and civil action. 14 Q. And then if you -- 15 A. Do you want me to read the whole -- 16 Q. No. If you're good. If -- if you -- if you were 17 to scroll down, you'd see that the -- next is the 18 complaint. This is the complaint you filed in this case. 19 A. Yes, I can see that. 20 Q. Okay. So you see at the bottom right, there's -- 21 on that first page, there's an exhibit sticker for 22 Exhibit 1? 23 A. Yes. 24 Q. Okay. The most important thing I want to do is: 25 If you see -- this is kind of like a Word or -- or Adobe</p>	<p style="text-align: right;">Page 13</p> <p>1 blah, how to use -- to direct us and the jury to what 2 you're looking at, and I'll try to do the same. Okay? 3 A. Okay. 4 Q. I think that's it -- most -- I don't think we're 5 going to have very many long exhibits. There's a couple, 6 but nothing -- nothing more than a page or three, so we 7 should be good there. 8 So I'm going to start -- the way this will 9 work, I'm going to just first ask you about your 10 background a little bit. We're going to just talk about 11 you; then we will probably talk about your employment at 12 Foxy's; then I would anticipate we'll talk about, kind of, 13 the allegations that you've made in this case, including, 14 you know, EEOC stuff and then the filing of the suit, up 15 to there. 16 Then we will probably talk about 17 post-Foxy's, things I don't know about, you know, work 18 history, where -- where you're working now, if anywhere; 19 what you've been doing during COVID, things like that. 20 That's generally where I expect us to go. I just like to 21 give you that highlight now so that you know, as we're 22 going along kind of where we're at. Okay? 23 A. Okay. 24 Q. If you need a break at any point, just let me 25 know. We will -- I'll probably ask you to finish the</p>

<p style="text-align: right;">Page 14</p> <p>1 question on the table, maybe even a follow-up or two, 2 depending on what we're talking about, but then we can 3 take a break and come back when you're comfortable. Okay? 4 A. Okay. 5 Q. I don't think this will be that long, but 6 normally, we try to take a break every hour or so. I'll 7 probably get through one of those, maybe -- maybe to two, 8 may- -- probably not to three, is my best estimate, but 9 you never know. It depends a lot on you. Some witnesses 10 -- I think you're going to be very quick and to the point. 11 Some people are a little harder to get there, and it takes 12 a lot longer. But we'll -- we'll get there either way. 13 Okay? 14 A. Okay. 15 Q. Where do you live? 16 A. In Austin, Texas. I stay at 15433 FM 1325. 17 Q. Is that a home? 18 A. It's an apartment. 19 Q. And you say "stay at." Let -- are -- do you -- 20 are you on the lease? 21 A. Yes. 22 Q. Okay. How long have you had that apartment? 23 A. It's been a year and a half. 24 Q. Do you live with anyone else there? 25 A. No.</p>	<p style="text-align: right;">Page 16</p> <p>1 A. If I can recall, it was in either June -- June, 2 July, or August. I don't -- I don't want to say the wrong 3 thing. I can't really recall. 4 Q. So summer? 5 A. Yeah. It was -- it was around the -- the summer 6 or coming to the end of the summer. 7 Q. Of what year? 8 A. That was 2017. 9 Q. Do you -- 10 A. Yes. Was it 2017? 11 Yes, it was 2017. 12 Q. When did you leave Foxy's? 13 A. I know it was December -- it was a little bit 14 after Christmas, so it was December 2017. 15 Q. So you were there about a half a year? 16 A. Yes. 17 Q. We've talked about -- about two years back, so 18 we're probably the -- the apartment we just talked about, 19 were you at that apartment at any point when you were 20 working at Foxy's; do you remember? 21 A. The Cheddar Loop? 22 Q. Yes. 23 A. Yes. 24 Q. Okay. What -- where do you live before Cheddar 25 Loop?</p>
<p style="text-align: right;">Page 15</p> <p>1 Q. Have you lived alone that entire year and a half? 2 A. No. My daughter has lived here, but she moved to 3 Houston. 4 Q. She what? I'm sorry. 5 A. She moved to Houston. 6 Q. How old is your daughter? 7 A. She is 23. 8 Q. What's your daughter's name? 9 A. Travigon Carter. 10 Q. Before you lived in the current apartment, where 11 did you live in Austin? 12 A. I lived off of Cheddar Loop. That's 1833 Cheddar 13 Loop Road in Austin. 14 Q. Was that an apartment also? 15 A. Yes. 16 Q. What was the apartment number; do you know? 17 A. It was 924, I think. 18 Q. How long -- how long did you live in that 19 apartment? 20 A. It was a year. 21 Q. And what I'm going to try to do is kind of get 22 back to a couple years before you started working at 23 Foxy's. 24 When did you -- wha- -- what date do you 25 remember you started working at Foxy's?</p>	<p style="text-align: right;">Page 17</p> <p>1 A. I was living in Round Rock. I had a duplex out 2 in Round Rock. 3 Q. Do you remember the address? 4 A. Not -- no, not right off the top of my head. 5 Q. Understood. 6 You were renting a duplex or a half of a 7 duplex? 8 A. Yes. 9 Q. How long were you in that duplex? 10 A. A year. 11 Q. Where did you grow up? 12 A. In -- on the east side of Austin, Texas. 13 Q. Where did you go to high school? 14 A. Reagan High School. 15 Q. Did you graduate? 16 A. No. 17 Q. What -- what was the last year you completed? 18 A. Ninth grade. 19 Q. Why did you leave school? 20 A. I got pregnant. 21 Q. Is that the daughter we've talked about? 22 A. Yes. 23 Q. Do you have any other children? 24 A. No. 25 Q. Did you ever obtain a GED?</p>

<p style="text-align: right;">Page 18</p> <p>1 A. Yes.</p> <p>2 Q. When was that?</p> <p>3 A. In 2010.</p> <p>4 Q. Have you done any schooling or -- you know,</p> <p>5 including trade schools, obtain certifications, anything</p> <p>6 like that, since you left high school?</p> <p>7 A. Yes.</p> <p>8 Q. What have you done?</p> <p>9 A. I went to ACC. I was studying to be a registered</p> <p>10 nurse.</p> <p>11 Q. Did you complete that program?</p> <p>12 A. No.</p> <p>13 Q. When was that?</p> <p>14 A. I started in 2010. The last class I took was</p> <p>15 actually in 2017, I think. That was in the spring of</p> <p>16 2017.</p> <p>17 Q. Are you planning to go back and try to finish</p> <p>18 that at some point?</p> <p>19 A. Ye- -- yes.</p> <p>20 Q. It's just hard to balance working, living,</p> <p>21 getting school done, all of that?</p> <p>22 A. Yes. And those classes are kind of hard.</p> <p>23 Q. Understood.</p> <p>24 How much more do you need to finish the</p> <p>25 program; do you know?</p>	<p style="text-align: right;">Page 20</p> <p>1 reduced the social lives and the other distractions in</p> <p>2 life in some way.</p> <p>3 A. Yes. Yes.</p> <p>4 Q. So I -- I -- I hope you can get that done and --</p> <p>5 and move into that career in a couple of years.</p> <p>6 A. Thank you.</p> <p>7 Q. For work history -- you know, you had to drop out</p> <p>8 in 9th grade. I presume you had to start working at about</p> <p>9 that time?</p> <p>10 A. Yes.</p> <p>11 Q. What -- what sort of jobs did -- did you hold?</p> <p>12 You know, let's just kind of walk through. There may --</p> <p>13 we may not talk about every job, but talk about your first</p> <p>14 jobs, where you worked, what -- what you did.</p> <p>15 A. My first job was at H-E-B when I was 14. I was</p> <p>16 just a greeter at the door. You know how people walk in,</p> <p>17 they say: Hi, welcome to HEB, and then I would go get</p> <p>18 baskets.</p> <p>19 My second job was at Chuck E. Cheese. We</p> <p>20 all know what that consists of. I was mainly -- I'm kind</p> <p>21 of tall, so they always made me get in the Chuck E. suit,</p> <p>22 which was very hot.</p> <p>23 But -- and any other jobs after that, I</p> <p>24 started doing home healthcare with my best friend's</p> <p>25 great-grandmother. So I really, really enjoyed doing</p>
<p style="text-align: right;">Page 19</p> <p>1 A. Well, I went to -- I started going to Temple</p> <p>2 College because the prerequisites were -- you know, had</p> <p>3 less than ACC. So I actually have one class I have to</p> <p>4 complete, and then I can go into the program.</p> <p>5 Q. I -- there was a little bit of feedback for me</p> <p>6 when -- when you were saying that answer.</p> <p>7 Could you repeat it? I'm sorry.</p> <p>8 A. Yes. I started going to Temple College because</p> <p>9 they had fewer prerequisites than Austin Community</p> <p>10 College. So I only have one class to complete at Temple,</p> <p>11 and I can go into the nursing program.</p> <p>12 Q. Okay. So you need to complete one more class at</p> <p>13 Temple, then you will be able to enter the actual nursing</p> <p>14 program?</p> <p>15 A. Yes.</p> <p>16 Q. How long does the nursing program run?</p> <p>17 A. Roughly two years.</p> <p>18 Q. So if everything goes right, in about 2022 you</p> <p>19 should be a registered nurse and able to work in that</p> <p>20 career?</p> <p>21 A. Yes, finger crossed.</p> <p>22 Q. I -- I -- I wish the best for you. I hope, you</p> <p>23 know, maybe -- maybe being locked in with COVID, maybe</p> <p>24 there's ways to -- to focus more in -- and more</p> <p>25 opportunities to get it done. You know, it certainly has</p>	<p style="text-align: right;">Page 21</p> <p>1 that. That's when I decided: Hey, you know, I kind of</p> <p>2 want to do, you know, something in the nursing field.</p> <p>3 And then I kind of accidentally got into</p> <p>4 waitressing, and I liked it. I mean, it gives you a</p> <p>5 opportunity. You know, if you need gas money at that</p> <p>6 time, you know, you get the opportunity to make money, you</p> <p>7 know, the same day, so, you know --</p> <p>8 Q. Right.</p> <p>9 A. -- you typically don't have to wait, you know, to</p> <p>10 get a check, even though you do wait to get a check. But</p> <p>11 you can still, you know, have a little cash, you know, if</p> <p>12 you need to go buy groceries or get gas or, you know, buy</p> <p>13 any anything else. So I -- I've tried to stick to</p> <p>14 waitressing, you know, until I get finished with</p> <p>15 schooling.</p> <p>16 Q. What was your first waitressing job?</p> <p>17 A. My first waitressing job, it was actually a -- a</p> <p>18 very long time ago. I was, like, 17. It was, like, a</p> <p>19 little hole in the wall, a pool hall. It was over off of</p> <p>20 the Rundberg. It was called "The Cue Club." It was kind</p> <p>21 of different, but I made a lot of tips there, and I really</p> <p>22 enjoyed it.</p> <p>23 I -- I like people, like, you know, being</p> <p>24 able to meet people, talk to people and it -- it was</p> <p>25 really fun for me.</p>

<p style="text-align: right;">Page 22</p> <p>1 Q. How long do you work at that establishment?</p> <p>2 A. It stayed open for roughly about five months.</p> <p>3 Q. Okay. So not very long?</p> <p>4 A. Yeah, it -- it wasn't open very long.</p> <p>5 Q. Where did you go to work next?</p> <p>6 A. After that, I did the assisting my friend's</p> <p>7 grandmother because she actually went into the hospital,</p> <p>8 and when she got out, because she stayed there for a</p> <p>9 while, I went back to helping her.</p> <p>10 Q. Where did you work next after that?</p> <p>11 A. I went to Flextronics -- well, at the time, it</p> <p>12 was Solectron. I don't know if you -- if y'all heard of</p> <p>13 that. It's kind of like mechanical-assembly-type jobs.</p> <p>14 Q. How long did you work there?</p> <p>15 A. It was a temporary assignment, so it was, like,</p> <p>16 two-and-a-half months.</p> <p>17 Q. Were you working through, like, a temporary</p> <p>18 agency?</p> <p>19 A. Yes.</p> <p>20 Q. Do you remember what agency that was?</p> <p>21 A. It was Adecco.</p> <p>22 Q. And just so we can kind of orient ourselves</p> <p>23 because we're -- you know, we're talking about, you know,</p> <p>24 a -- a number of years in your work history here --</p> <p>25 where -- what time period are we at, generally?</p>	<p style="text-align: right;">Page 24</p> <p>1 A. That was in 2006. I think they kind of started</p> <p>2 fizzling out by then a little bit.</p> <p>3 Q. What did you do after that?</p> <p>4 A. I went back to doing private care/home health.</p> <p>5 Q. How long did you do that?</p> <p>6 A. Two years.</p> <p>7 Q. Did you say two years?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. Every once in a while -- I think your</p> <p>10 connection is not the best. It's not bad, but it's not</p> <p>11 the best, and I can tell that because there's a little --</p> <p>12 I don't know if you can it for me, but there's a little --</p> <p>13 kind of looks like a wireless symbol on the bottom right.</p> <p>14 It's --</p> <p>15 A. I see it.</p> <p>16 Q. -- what your cell phone would look like. And</p> <p>17 you're -- you're at two bars, but it's green. And so</p> <p>18 green is good.</p> <p>19 A. Okay.</p> <p>20 Q. But every once in a while, it's just not 100</p> <p>21 percent clear. So if you can do your best to just</p> <p>22 annunciate, as I would yell at my children, but just --</p> <p>23 just do your best to be as clear as you can. It's</p> <p>24 still -- I don't think you're going to be able to fix it.</p> <p>25 It's every -- every once in a while. It's not often, it's</p>
<p style="text-align: right;">Page 23</p> <p>1 A. I'm sorry. With --</p> <p>2 Q. Whe- -- when you were working at the -- at the</p> <p>3 temporary agency or this position, what -- what year are</p> <p>4 we at or more -- you know, if you don't know the exact</p> <p>5 year, kind of, what time range are we at?</p> <p>6 A. '99-2000.</p> <p>7 Q. Okay. So we're -- we're -- these are -- these</p> <p>8 are still your early years of your working history?</p> <p>9 A. Yes.</p> <p>10 Q. So early 2000s, what sort of positions were you</p> <p>11 working?</p> <p>12 A. I was mainly doing the -- the temporary things.</p> <p>13 So they would bounce me through just material handling.</p> <p>14 That's when that kind of stuff, kind of, really started</p> <p>15 coming out. So they would just send us to different, you</p> <p>16 know, sites to do, like, the material handling.</p> <p>17 Q. And what do- -- what exactly does "material</p> <p>18 handling" mean?</p> <p>19 A. They just had us in their -- they wouldn't tell</p> <p>20 us what it was. It was top secret so -- let's say a</p> <p>21 keyboard, say they would send us something that we would</p> <p>22 assemble, and we would put one piece of it on and send it</p> <p>23 down the line. That was basically it.</p> <p>24 Q. When did you stop working -- when did you stop</p> <p>25 working in the temporary agencies?</p>	<p style="text-align: right;">Page 25</p> <p>1 not a problem.</p> <p>2 I just want to let you know that each time</p> <p>3 I'm kind of like "huh," it's just because there's a</p> <p>4 technological issue and your words aren't coming through</p> <p>5 perfectly clear, so I don't want you to be offended by</p> <p>6 that or think that I'm, you know, not hearing you or</p> <p>7 something.</p> <p>8 A. Okay. And -- and I've heard that the service</p> <p>9 over here is very, very, very bad, so I'm sorry about</p> <p>10 that.</p> <p>11 Q. No. You're -- that is not on you at all, and we</p> <p>12 will make it work, as I said at the beginning. And I can</p> <p>13 also tell because your -- your -- the video is just slight</p> <p>14 bit choppy. It's not bad; it's coming through. We got no</p> <p>15 issues.</p> <p>16 A. Okay.</p> <p>17 Q. But -- so I'm going to have to --</p> <p>18 A. Okay.</p> <p>19 Q. -- re-ask you some things, or sometimes I don't a</p> <p>20 word just because of it. So, again, just bear with me</p> <p>21 each time I -- I have to ask you that.</p> <p>22 So if you could -- so we're -- we're in</p> <p>23 2006ish. After that, where did you go to work?</p> <p>24 A. I went back to the home health -- the home</p> <p>25 healthcare, the private care.</p>

<p style="text-align: right;">Page 26</p> <p>1 Q. And you said you did that for a couple of years?</p> <p>2 A. Yes.</p> <p>3 Q. We're in the late 2000s. So let me start -- I'm</p> <p>4 going to started adding a question, essentially how much</p> <p>5 you were making at these -- at these places.</p> <p>6 So what was your pay at -- when you were</p> <p>7 doing home healthcare?</p> <p>8 A. It was -- it depended on the insurance, so it</p> <p>9 was, roughly, about 9.25 an hour.</p> <p>10 Q. And how many hours a week?</p> <p>11 A. I was doing eight -- I mean, 40 hours a week, I'm</p> <p>12 sorry. Eight hours a day, 40 hours a week.</p> <p>13 Q. After you stopped doing the home healthcare work,</p> <p>14 where did you go?</p> <p>15 A. I actually injured myself, so I was out of work,</p> <p>16 you know, for a -- a while.</p> <p>17 Q. How did you injure yourself? Just -- and I don't</p> <p>18 want -- need all the details, but generally.</p> <p>19 A. Just normally -- doing normal stuff, daily stuff,</p> <p>20 and ruptured my Achilles tendon.</p> <p>21 Q. How long were you out of work?</p> <p>22 A. It was a few years. It was about three years.</p> <p>23 Q. During that three-year period -- during that</p> <p>24 three-year period, what -- what would you do for money?</p> <p>25 Were you on Social Security or -- or some other</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. When did you rejoin the workforce?</p> <p>2 A. I rejoined 2014. Yeah, it was 2014.</p> <p>3 Q. You said 2014?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. In 2014, where did you go back to work?</p> <p>6 A. That's when I started working at the Elks Lodge.</p> <p>7 Q. And what is the Elks Lodge?</p> <p>8 A. It's like -- kind of like a club for members, but</p> <p>9 on certain nights, they open up to the public. You know,</p> <p>10 you can drinks and -- and food on certain nights.</p> <p>11 Q. Were you a server?</p> <p>12 A. Yes.</p> <p>13 Q. How long did you work at Elks Lodge?</p> <p>14 A. I worked there for two years.</p> <p>15 Q. What was your rate of pay there? I presume 2.25</p> <p>16 or whatever the -- the minimum server wage is?</p> <p>17 A. Yes.</p> <p>18 Q. Do you remember how much that was at that time?</p> <p>19 A. It was 2.10.</p> <p>20 Q. Plus tips?</p> <p>21 A. Yes.</p> <p>22 Q. How much would you make, all told, counting tips</p> <p>23 and -- and the wages? How much would you make on an</p> <p>24 average week?</p> <p>25 A. I would make about, roughly, 350 to 400.</p>
<p style="text-align: right;">Page 27</p> <p>1 assistance?</p> <p>2 A. Eventually, I got the -- the SSI.</p> <p>3 Q. The disability payments?</p> <p>4 A. Yes.</p> <p>5 Q. That was a fun and long and involved process, as</p> <p>6 normal?</p> <p>7 A. Yes.</p> <p>8 Q. Understood.</p> <p>9 So we're probably around 2010 now when</p> <p>10 you're able to rejoin the workforce. Is that about right?</p> <p>11 A. Yes.</p> <p>12 Q. In 2010, what did you go back to -- where did you</p> <p>13 go back for work?</p> <p>14 A. In 2010, I actually started going to school.</p> <p>15 Q. Understood.</p> <p>16 A. Yes.</p> <p>17 Q. Were you -- were you working at the same time you</p> <p>18 were going to school, or were you just -- were you able to</p> <p>19 just go to school for a period of time?</p> <p>20 A. I was just able to just go to school for a period</p> <p>21 of time.</p> <p>22 Q. Was that because you were still receiving the</p> <p>23 benefits for SSI, or were you -- you know, did you have</p> <p>24 someone else helping you?</p> <p>25 A. Yes, I was receiving benefits from SSI.</p>	<p style="text-align: right;">Page 29</p> <p>1 Q. Is that before taxes?</p> <p>2 A. Yes.</p> <p>3 Q. So -- and I know that's harder for servers</p> <p>4 because you've got, you know, the tips and -- and -- and</p> <p>5 those come in directly, and then taxes come later and all</p> <p>6 of that.</p> <p>7 But your -- your gross pay was somewhere</p> <p>8 between 350 and \$400 a week?</p> <p>9 A. Yes.</p> <p>10 Q. Why did you leave the Elks Lodge?</p> <p>11 A. Well, they actually closed for a little while.</p> <p>12 They had some other issues going on, so they closed for a</p> <p>13 little while.</p> <p>14 Q. What did you do when they closed?</p> <p>15 A. Nothing.</p> <p>16 Q. Did you go look for a new job?</p> <p>17 A. Not really because I knew that they were going to</p> <p>18 be opening again, so...</p> <p>19 Q. Understood.</p> <p>20 Did you end up going back to them when they</p> <p>21 reopened, then?</p> <p>22 A. Yes, I went back. Not long, though.</p> <p>23 Q. I'm sorry. I cut you off a little bit, and then</p> <p>24 it got choppy.</p> <p>25 How long?</p>

<p style="text-align: right;">Page 30</p> <p>1 A. I went back for a little while longer.</p> <p>2 Q. Do you remember how long?</p> <p>3 A. It was a few months. Yeah, it was a few months.</p> <p>4 Q. Why did you leave there?</p> <p>5 A. I had some personal issues going on, and I -- I</p> <p>6 actually had surgery, so...</p> <p>7 Q. What type of surgery?</p> <p>8 A. That's kind of private.</p> <p>9 Q. Understood.</p> <p>10 Let -- let me ask it -- I -- I don't</p> <p>11 necessarily need to know the exact -- well, you're not</p> <p>12 seeking any -- you know, personal injury is not what this</p> <p>13 case is about, so I don't need all the details.</p> <p>14 But can you tell me how long you were laid</p> <p>15 up, how long you were recovering, or, you know -- you</p> <p>16 know, how impactful the surgery was?</p> <p>17 A. I was recovering for about a full two months.</p> <p>18 Yeah, it took about a full two months for me to get back</p> <p>19 to 100 percent.</p> <p>20 Q. After your surgery, where did you go -- where did</p> <p>21 you go for work next?</p> <p>22 A. I wasn't back to the Elks.</p> <p>23 Q. Okay. So just to make sure I understand: Were</p> <p>24 you at Elks during three different time periods before</p> <p>25 they closed?</p>	<p style="text-align: right;">Page 32</p> <p>1 A. No.</p> <p>2 Q. Okay. So Foxy's was the first time you had</p> <p>3 worked at -- at two places at the same time since coming</p> <p>4 back to the workforce in 2013-2014?</p> <p>5 A. Yes.</p> <p>6 Q. How much were you making at Elks again?</p> <p>7 A. It was 2.10, plus tips, so it was, like, roughly</p> <p>8 3 to 400.</p> <p>9 Q. When you were working at Foxy's, how much were</p> <p>10 you making?</p> <p>11 A. Ohh. A night?</p> <p>12 Q. Yes, that -- that's fine.</p> <p>13 A. On a good night, I could bring in at least 1200.</p> <p>14 Q. On a bad night?</p> <p>15 A. Maybe 3, almost 3.</p> <p>16 Q. If we were to try to figure out what the average</p> <p>17 was, was it somewhere, like, dead in the middle? Was it</p> <p>18 closer to the low end? Closer to the high end? Wha- --</p> <p>19 what would be the average?</p> <p>20 A. It's closer to the high end.</p> <p>21 Q. Okay. Somewhere -- are -- are you saying you</p> <p>22 could make somewhere in, maybe, 7-, \$800 a night as an</p> <p>23 average?</p> <p>24 A. Yes.</p> <p>25 Q. And that's in the about six months you were at</p>
<p style="text-align: right;">Page 31</p> <p>1 A. Oh, yes.</p> <p>2 Q. Before your surgery and then after your surgery?</p> <p>3 A. Yes.</p> <p>4 Q. After your surgery, how long were you at Elks?</p> <p>5 A. I worked at the Elks all the way up until</p> <p>6 September of 2017.</p> <p>7 Q. Were you still working at the Elks when you were</p> <p>8 working at Foxy's?</p> <p>9 A. Yes.</p> <p>10 Q. So you had both jobs at the same time?</p> <p>11 A. Yes.</p> <p>12 Q. Why did you decide to -- to also start working at</p> <p>13 Foxy's while you were still working at Elks?</p> <p>14 A. Well, the Elks was just -- the Elks has always</p> <p>15 been one to two days a week. It was -- because it was a</p> <p>16 private lodge. So during the week, they were doing other</p> <p>17 things, so it's just one to two days a week for four hours</p> <p>18 a day so it really wasn't that much. But, you know, it</p> <p>19 was so many people that I knew that went in there that's</p> <p>20 how I was able to, kind of, make the money.</p> <p>21 So Foxy's, you know, I -- I knew some people</p> <p>22 there, and it provided a lot more income for, you know,</p> <p>23 things that I wanted to do.</p> <p>24 Q. At any other point when you were working at Elks,</p> <p>25 were you working somewhere else?</p>	<p style="text-align: right;">Page 33</p> <p>1 Foxy's, right?</p> <p>2 A. Yes.</p> <p>3 Q. We will talk more about actually being at Foxy's,</p> <p>4 so I'm going to skip over it right now.</p> <p>5 After --</p> <p>6 A. Okay.</p> <p>7 Q. After you left Foxy's -- well, scratch that.</p> <p>8 Before you left Foxy's, you left the -- the</p> <p>9 Elks Lodge?</p> <p>10 A. Yes.</p> <p>11 Q. Why did you leave Elks Lodge?</p> <p>12 A. I mean, I was kind of making a lot more money at</p> <p>13 Foxy's, so...</p> <p>14 Q. So you left to make -- because you could make</p> <p>15 more money working more nights at Foxy's?</p> <p>16 A. Yes.</p> <p>17 Q. After you left Foxy's, wher- -- where did you</p> <p>18 find your next job?</p> <p>19 A. I didn't, actually. It took a while for me to</p> <p>20 find something.</p> <p>21 Q. Where did you work next?</p> <p>22 A. Instacart.</p> <p>23 Q. Instacart?</p> <p>24 A. Yes.</p> <p>25 Q. When did you start working at Instacart?</p>

<p style="text-align: right;">Page 34</p> <p>1 A. This was just November of last year.</p> <p>2 Q. November of 2019?</p> <p>3 A. Yes.</p> <p>4 Q. What is your position at Instacart -- what was</p> <p>5 your position at Instacart?</p> <p>6 A. I just do -- I don't know what they call it. I</p> <p>7 shop and deliver. That's -- I don't know what they call</p> <p>8 it. I guess customer service.</p> <p>9 Q. Are you still doing that?</p> <p>10 A. Yes, from -- from time to time.</p> <p>11 Q. What is the pay for that?</p> <p>12 A. It's hard to say because it -- it kind of varies</p> <p>13 from, you know, what people order. So it's kind of hard</p> <p>14 to say, like, what you'll make, but roughly, I can make,</p> <p>15 say, \$75 a day.</p> <p>16 Q. How lo- -- how many hours do you work on one of</p> <p>17 those days?</p> <p>18 A. Put together, maybe six.</p> <p>19 Q. So you're making \$75 over six hours?</p> <p>20 A. Yes. It's kind of -- it's kind of weird because</p> <p>21 you actually have to go in the store, shop for the items,</p> <p>22 and then drop them off. So it's kind of -- the time --</p> <p>23 the way the time adds up, like, it doesn't, kind of, make</p> <p>24 sense, but it's kind of weird how it goes.</p> <p>25 Q. Have you looked for other jobs in the serving</p>	<p style="text-align: right;">Page 36</p> <p>1 A. Okay.</p> <p>2 Q. Did you do anything to prepare for today's</p> <p>3 deposition?</p> <p>4 A. I don't understand.</p> <p>5 Q. Right.</p> <p>6 Did you do anything to prepare? That would</p> <p>7 include meeting with anyone, even your attorney -- I'm</p> <p>8 only asking did you, I'm not asking for any details. Did</p> <p>9 you meet -- either virtually or together meet with any --</p> <p>10 him, look at any documents, anything like that?</p> <p>11 A. Of course.</p> <p>12 Q. Did you do anything, other than meeting with your</p> <p>13 attorney or someone from his office, to prepare for your</p> <p>14 deposition?</p> <p>15 A. No.</p> <p>16 Q. Did you talk about the deposition with anyone</p> <p>17 else, like, your daughter or anyone?</p> <p>18 A. No.</p> <p>19 Q. Did you look at any documents to prepare for the</p> <p>20 deposition?</p> <p>21 A. No.</p> <p>22 Q. So the only thing you did is just meet with your</p> <p>23 attorney, and that's it; is that fair?</p> <p>24 A. Yes.</p> <p>25 Q. Are you in contact with anyone who works at or</p>
<p style="text-align: right;">Page 35</p> <p>1 industry?</p> <p>2 A. Oh, yes, of course.</p> <p>3 Q. Where have you applied?</p> <p>4 A. I've have applied at Bare, The Yellow Rose,</p> <p>5 Palazzo -- there was another one -- XTC, and a few</p> <p>6 restaurant jobs, but I didn't have any luck there.</p> <p>7 Q. When did you -- when did you put in these</p> <p>8 applications?</p> <p>9 A. After I was forced to leave Foxy's.</p> <p>10 Q. All right. Are you talking early of 2019?</p> <p>11 A. No, this was around of the --</p> <p>12 Q. Or 2018?</p> <p>13 A. Yes, 2018, early 2018.</p> <p>14 Q. Since early 2018, what restaurants have you</p> <p>15 applied to?</p> <p>16 A. I went to Trudy's, Chili's, Baby A's, Pappadeaux,</p> <p>17 and that's all I can remember right now.</p> <p>18 Q. Did you have any interviews with any of these?</p> <p>19 Do you know why any of them didn't hire you?</p> <p>20 A. I have no idea. I didn't even receive a call</p> <p>21 back from anyone.</p> <p>22 Q. The next couple of questions I'm going to ask,</p> <p>23 I'm going to be careful how I ask them. Be careful how</p> <p>24 you answer them, okay? Listen to my actual question and</p> <p>25 answer the question I'm asking. Okay?</p>	<p style="text-align: right;">Page 37</p> <p>1 has worked at Foxy's?</p> <p>2 A. Yes.</p> <p>3 Q. Who is that?</p> <p>4 A. My -- this girl named Kiara, she used to work</p> <p>5 there.</p> <p>6 Q. Do you know her last name?</p> <p>7 A. Smith.</p> <p>8 Q. Do you have her phone number?</p> <p>9 A. Yes.</p> <p>10 Q. Is that how you communicate?</p> <p>11 A. Yes.</p> <p>12 Q. Okay.</p> <p>13 MR. McKAY: I don't know if we already have</p> <p>14 that one, Kell. If you'll just check and make sure we --</p> <p>15 we have it.</p> <p>16 MR. SIMON: Yeah.</p> <p>17 MR. McKAY: We probably do. I don't want to</p> <p>18 diverge.</p> <p>19 BY MR. McKAY:</p> <p>20 Q. But when was the last time you talked to her?</p> <p>21 A. About two weeks ago.</p> <p>22 Q. Have you talked to her about this lawsuit at all?</p> <p>23 A. No, not lately.</p> <p>24 Q. Has she -- what I want to make sure: Has she</p> <p>25 said anything about any alleged discrimination she</p>

<p style="text-align: right;">Page 38</p> <p>1 suffered at Foxy's or anything like that?</p> <p>2 A. Yes.</p> <p>3 Q. What has she told you?</p> <p>4 A. I don't know if I'm able to discuss that.</p> <p>5 Q. You are, or your attorney would tell me you --</p> <p>6 would tell you otherwise.</p> <p>7 A. Oh, okay. Well, she -- basically, the same</p> <p>8 thing. I mean, I had given her my attorney's information.</p> <p>9 Of course, she had some personal things that was going on,</p> <p>10 but we're -- along the same lines of what my complaints</p> <p>11 are.</p> <p>12 Q. Do you know any specifics of what her -- her</p> <p>13 allegations were?</p> <p>14 A. It's the same. I mean, just use of the "N" word,</p> <p>15 calling us stupid, making us do things, like, clean and --</p> <p>16 and -- she worded it as treating us like slaves. I don't</p> <p>17 -- I don't like to say that, but I mean, that's -- that's</p> <p>18 basically what it felt like.</p> <p>19 Q. Anyone else that you're in contact with or have</p> <p>20 been in contact with that worked or works at Foxy's?</p> <p>21 A. I would see people, but I don't -- I'm not in</p> <p>22 contact with them like that.</p> <p>23 Q. You don't have a --</p> <p>24 A. And this girl, Lauren, I'm -- I keep in contact</p> <p>25 with her, but I don't talk to her as much as I talk to</p>	<p style="text-align: right;">Page 40</p> <p>1 A. Yes.</p> <p>2 Q. Other than the -- the job you currently have,</p> <p>3 have you had any other work or any -- or received payment</p> <p>4 or sums of money from any other source since you left</p> <p>5 Foxy's?</p> <p>6 A. No, just SSI. That's it.</p> <p>7 Q. Are you still on SSI?</p> <p>8 A. Yes. They knew about Foxy's.</p> <p>9 Q. Do you still receive the same amount or, you</p> <p>10 know, more or less the same amount you've been receiving</p> <p>11 since 2010?</p> <p>12 A. Yeah. So it's a little lower, but it's roughly</p> <p>13 the same amount. It's just a few dollars lower.</p> <p>14 Q. Okay. I think we're just about to enter Foxy's.</p> <p>15 Let me go ahead -- we're -- we're not quite at an hour,</p> <p>16 but because this is probably going to be one of the longer</p> <p>17 topics, let --</p> <p>18 A. Okay.</p> <p>19 Q. -- let's go ahead and take a break now, take five</p> <p>20 minutes, whatever you need, and then we'll start talking</p> <p>21 about, you know, when you went to Foxy's.</p> <p>22 A. Okay.</p> <p>23 MR. McKAY: So I'm just going to turn my</p> <p>24 stuff off. I'll come back in five minutes or so.</p> <p>25 THE WITNESS: Okay.</p>
<p style="text-align: right;">Page 39</p> <p>1 Kiara.</p> <p>2 Q. Lauren, what's -- do you know Lauren's last name?</p> <p>3 A. Yockey.</p> <p>4 Q. Do you have her phone number as well?</p> <p>5 A. I have her old number. I don't know -- I don't</p> <p>6 know if she still has that same number.</p> <p>7 Q. Understood.</p> <p>8 Has she -- have you talked to her about any</p> <p>9 of your complaints, or has she had any complaints about</p> <p>10 alleged discrimination at Foxy's?</p> <p>11 A. Well, she is Caucasian, so she -- she doesn't</p> <p>12 have any complaints, but she knows, you know, about what</p> <p>13 was going on while -- while I was there, so...</p> <p>14 Q. All right. Anyone else?</p> <p>15 A. No.</p> <p>16 Q. Have you ever been married?</p> <p>17 A. Yes.</p> <p>18 Q. Are you currently married?</p> <p>19 A. No.</p> <p>20 Q. Who was -- what was your -- the name of your</p> <p>21 husband, and when did your marriage end?</p> <p>22 A. My marriage ended in 2011, and his name was Tommy</p> <p>23 Lee Cathey.</p> <p>24 Q. And we already discussed you only have the one --</p> <p>25 the one child; is that correct?</p>	<p style="text-align: right;">Page 41</p> <p>1 (Brief recess taken.)</p> <p>2 THE VIDEOGRAPHER: We are back on the</p> <p>3 record. The time is approximately 10:59 a.m.</p> <p>4 Counsel, you may proceed.</p> <p>5 BY MR. McKAY:</p> <p>6 Q. Ms. Carter, how did you learn about an</p> <p>7 opportunity at Foxy's?</p> <p>8 A. Through a friend of mine; his name is Sleepy. I</p> <p>9 cannot tell you his real name. I don't know it.</p> <p>10 Q. How did you know him?</p> <p>11 A. I met him through a mutual friend of ours named</p> <p>12 Michael Blaylark [phonetic].</p> <p>13 Q. What -- what did you learn from Sleepy? How did</p> <p>14 -- how did you learn about the opportunity? What do --</p> <p>15 what do you remember of the conversation?</p> <p>16 A. Sleepy, he was DJ'ing there. He had just got a</p> <p>17 -- a job DJ'ing there. He was, like: Hey, you know, I</p> <p>18 know this guy that works there, and, you know, they need a</p> <p>19 couple waitresses. And I was like: Oh, okay. Well, tell</p> <p>20 them I'll stop by.</p> <p>21 And he gave me his number, and I actually</p> <p>22 called him -- the guy's name was Kevin that worked at</p> <p>23 Foxy's. And I called him, he told me to come in, fill out</p> <p>24 the paperwork, and basically, I was hired.</p> <p>25 Q. Is Kevin the person who was your manager?</p>

<p style="text-align: right;">Page 42</p> <p>1 A. I can't really say he was my manager. I think he 2 was just a -- a manager that was there at the time that 3 was, like, hiring people. But I can't say he was, like, 4 specifically my manager. 5 Q. Was there a waitress manager at Foxy's, or was 6 there -- was that not a specific -- you know, was there 7 not a specific manager over the wait staff? 8 A. At the time, there wasn't a specific manager over 9 the wait staff. It was just a number of managers there. 10 If you needed to speak to them, you just grabbed somebody 11 and -- and talked to them. 12 Q. What did -- was Kevin there the entire time you 13 were at Foxy's? 14 A. No. 15 Q. Did he leave? 16 A. Yes. 17 Q. Do you know when or -- and/or why he left? 18 A. I can't remember exactly when, and I don't know 19 why. I -- I don't want to say this, 'cause I don't know 20 if it's true, but I heard he was let go at Foxy's, and he 21 was able to work at another establishment that's 22 associated with Foxy's. 23 Q. What you heard is basically he was moved clubs? 24 A. Yes. 25 Q. Okay. Do you remember when that was?</p>	<p style="text-align: right;">Page 44</p> <p>1 to handle customers and just the duties that needed to be 2 done at the end of the night. That was, you know, 3 basically self-explanatory, you know, what to do. 4 Q. What are some of those things? Can you give me 5 any of the specifics? 6 A. Of which part? 7 Q. Both. 8 A. Of how to handle customers? 9 Q. Yes. 10 A. Oh, well, the -- handle customers, of course, 11 when a customer comes in, you seat them, or sometimes if 12 they want to go to the VIP, you know, you say: Hey, you 13 know, there's a VIP section. It costs X, Y and Z, you 14 know, to get in VIP. And you ask them, you know: Do 15 y'all want a ice chest? Sometimes they bring in, you 16 know, beer and things like that, and ask them if they want 17 sodas, you know, mixers. And that's basically it. And go 18 check on them, you know, throughout the night. 19 And on the other end, you know, at the end 20 of the night, of course, we were just responsible for 21 picking up what was on the tables. That was it. Making 22 sure the tables were clean. That -- that's it. 23 Q. Did you have any training about the -- the kind 24 of the operations of the actual floor, the -- and -- and 25 the wait staff during service hours?</p>
<p style="text-align: right;">Page 43</p> <p>1 A. No, I don't. 2 Q. Who worked with -- well, you were hired by -- by 3 Ke- -- by Kevin; is that correct? 4 A. Yes. 5 Q. Do you remember -- you don't remember off the top 6 of your head what day that was, correct? 7 A. No. 8 Q. You just know -- 9 A. Yeah, no, I don't. 10 Q. Just sometime in the summer of 2017? 11 A. Yes. 12 Q. When you were hired at Foxy's, tell me about the 13 training you received. Who gave it to you and what -- 14 what training did you receive? 15 A. It was just basic training of how, you know, 16 things worked. I got training from Erica, and it was 17 another girl. I forgot her name. I -- I forgot her name. 18 I'm horrible with names. I forgot her name. 19 Q. Was the training done by the wait staff, then, 20 not by a manager? 21 A. Yes, it was by wait staff. 22 Q. Okay. What was the training -- what do you 23 remember from the training? Just give me the overview of 24 what you remember. 25 A. I remember just, you know, basically saying how</p>	<p style="text-align: right;">Page 45</p> <p>1 A. Not really. It was just people come in, and if 2 you're available to -- to wait on them, then that's what 3 you did. 4 Q. Ms. Carter, I don't know if you can still hear 5 me. Your -- your -- your screen just went black, and I'm 6 getting the red bars that say you don't have service. 7 So can you hear me? 8 A. Yes. 9 Q. Okay. 10 A. Can you not see me? 11 Q. I cannot currently see you. 12 THE VIDEOGRAPHER: Yes. Counsel, I have 13 lost her on video as well. 14 THE WITNESS: Oh. Oh, my God. I can see 15 myself. I don't know what -- 16 MR. McKAY: No, it -- it happens. It's 17 actually not a big deal at all. What I'll ask you to do 18 is -- the thing that often fixes it -- if you would just 19 hit the "Refresh" button on your browser, and I'll do the 20 same. 21 THE WITNESS: Okay. Okay. 22 (Pause in proceedings.) 23 THE VIDEOGRAPHER: Okay. I have her back. 24 MR. McKAY: I do too. 25 THE WITNESS: Okay. I can see y'all too.</p>

<p style="text-align: right;">Page 46</p> <p>1 THE VIDEOGRAPHER: And, Counsel, I never 2 went off the record, so whenever you are ready. 3 MR. McKAY: Okay. 4 BY MR. McKAY: 5 Q. Okay. I just needed a second myself. 6 All right. So you didn't really get any 7 training is your testimony regarding, kind of, operations 8 of how the floor worked? 9 A. No, I didn't. 10 Q. Did you ever talk to anyone about how, you know, 11 tables -- who handled what tables, things like that? 12 A. At the beginning, there wasn't any assigned 13 tables or specific areas that we worked. It's just if you 14 were available when a customer came in, then you handled 15 that customer. 16 Q. And -- and that's exactly what I -- - what I was 17 trying to understand because that is my understanding. 18 I'll -- I'll represent to you that's my understanding. 19 The way it generally worked is: Customers 20 were served on a first -- first server to get to them and 21 to try to serve them, they -- they served them. That's 22 it. 23 Is that -- is that how it worked? 24 A. Yes. Yes, when I first started, that's how it 25 worked.</p>	<p style="text-align: right;">Page 48</p> <p>1 you know, I know these people, I know they're going to 2 spend money, so you take care of them. So nobody else 3 would be able to get -- to take care of those customers. 4 Q. So this was for regulars; is that -- or -- or, 5 you know, I don't know if we want to call them "regulars," 6 but people who are -- specifically people who had come 7 into the club previous times or frequently; is that true? 8 A. Well, who -- it's -- yes. It could be that or 9 who they assumed had money or who they assumed would spend 10 money. 11 Q. When do you allege this began? 12 A. I know it happened -- it started happening after 13 my complaint, so it was maybe a few months after I 14 started. 15 Q. Do you -- what specific managers do you allege 16 where doing this? 17 A. I know for a fact Dave and Taylor. I know -- I 18 know they were doing it. 19 Q. Did you go to the general manager and talk to him 20 about this? 21 A. I can't remember if I mentioned that. I don't 22 want to say "yes" or "no." I can't remember if I 23 mentioned that part of it. 24 Q. Did you ever go to him to say: Hey, I'm 25 concerned this is retaliation, or something like that; I</p>
<p style="text-align: right;">Page 47</p> <p>1 Q. Are you saying that changed? 2 A. Yes. 3 Q. When do you allege that changed? 4 A. Of course, it was after I made my complaint it 5 changed. 6 Q. In what way? Who told you it changed? How did 7 it change? 8 A. I saw it change. 9 Q. But how? In what way? 10 A. Customers would come in, and certain managers 11 would already have a waitress assigned to them. 12 Q. What do you mean by that? 13 A. Well, when the customer comes in, the waitress 14 would already be in the section. The manager would say: 15 Hey, I'm bringing, you know, some customers in that, you 16 know, is willing to spend money, and there would already 17 be a waitress assigned to that table or to those people. 18 Q. What do -- what do mean by "assigned," though? 19 I'm -- I'm not understanding that. 20 A. Well, they started assigning certain waitresses 21 to people that they knew would come in and spend money. 22 Q. But I -- I understand that -- 23 A. They would pick certain -- 24 Q. Go ahead. 25 A. They would pick certain waitresses to say: Hey,</p>	<p style="text-align: right;">Page 49</p> <p>1 want you to fix it; I want you to do something; I need you 2 to get involved? 3 A. Not the general manger, but I spoke to Dan. I 4 mentioned something about it to him -- 5 Q. Who is Dan? 6 A. -- the night that we -- he was one of the 7 managers. 8 Q. So you mentioned it to him on -- on your last 9 night? 10 A. Yes. 11 Q. And I'm getting just a little bit of a, kind of, 12 delay in the video, so it makes it -- you're good; don't 13 worry about it; nothing you could do anyway. But it -- it 14 makes it sometimes where I think you're done because I see 15 a body movement and then a different audio. 16 So if I get -- if I ask you questions or ask 17 you to resay something, that might be why. Okay? 18 A. Okay. 19 Q. I just like to try to keep you as advised as to 20 what we're doing and why we're doing it when I'm -- you 21 know, the technical issues that we are having. They're -- 22 it's not a big deal, but they're -- I -- I probably will 23 have to ask you to restate things occasionally. 24 A. Okay. 25 Q. And I just lost you on the video.</p>

<p style="text-align: right;">Page 50</p> <p>1 A. Oh, well...</p> <p>2 Q. It's fine. It's just occa- -- it's just --</p> <p>3 A. It's weird.</p> <p>4 Q. All it is -- so what it is, is you -- the audio</p> <p>5 only takes so much bandwidth and the video takes so much</p> <p>6 more. And so when your connection drops below, you know,</p> <p>7 a certain amount of bandwidth, it just automatically cuts</p> <p>8 of the video so that the audio stays on. That's -- that's</p> <p>9 all it's doing.</p> <p>10 A. Oh, okay.</p> <p>11 Q. So if you will just try to refresh, we're -- we</p> <p>12 may just -- you know, when the video cuts out, we may just</p> <p>13 keep going, as long as you can hear me and I can hear you.</p> <p>14 I --</p> <p>15 A. Okay.</p> <p>16 Q. I'd rather do that. But go ahead and refresh</p> <p>17 really quickly just to see if it fixes it.</p> <p>18 A. (Witness complies.)</p> <p>19 THE VIDEOGRAPHER: And, Counsel, that time I</p> <p>20 did not lose her.</p> <p>21 MR. McKAY: Okay.</p> <p>22 I have you back.</p> <p>23 THE WITNESS: I can see you guys.</p> <p>24 MR. McKAY: Okay.</p> <p>25 THE WITNESS: Okay.</p>	<p style="text-align: right;">Page 52</p> <p>1 So you may start out at a table, and then</p> <p>2 somebody else may end up bringing them something else out</p> <p>3 there while they're doing something else. So it was kind</p> <p>4 of hard for -- and that's just anywhere -- for --</p> <p>5 Q. Right.</p> <p>6 A. -- you know, one person to just --</p> <p>7 Q. Right.</p> <p>8 A. -- you know, deal with that -- with that certain</p> <p>9 table.</p> <p>10 If it's not crowded, usually, it'll -- you</p> <p>11 know, you'll, you know, stay with that person or whatever.</p> <p>12 And then when other people, you know, come in, you'll just</p> <p>13 keep going with the flow.</p> <p>14 Q. And -- and that -- what -- what I'm trying to</p> <p>15 understand -- I think I understand, but let me make sure I</p> <p>16 do.</p> <p>17 It -- it doesn't sound -- you weren't</p> <p>18 instructed by any of the management as to how you would</p> <p>19 specifically deal with a table. In other words, you</p> <p>20 weren't ever told by management: Well, if there's ever</p> <p>21 another server who has been there, you can't go over there</p> <p>22 to serve them or anything like that, right?</p> <p>23 A. No- -- no, the managers didn't tell me that.</p> <p>24 Some of the waitresses did. But the managers never told</p> <p>25 me.</p>
<p style="text-align: right;">Page 51</p> <p>1 MR. McKAY: And we're still on?</p> <p>2 THE VIDEOGRAPHER: Yes.</p> <p>3 MR. McKAY: Then we'll just keep going.</p> <p>4 BY MR. McKAY:</p> <p>5 Q. So you -- the only time you can specifically</p> <p>6 remember bringing up the assignment of tables to any of</p> <p>7 the other managers is on the last night you were working</p> <p>8 there; is that fair?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Then let me -- I -- I'm trying to do our</p> <p>11 best to keep it a little bit chronological, so I'm going</p> <p>12 to step back a little bit. Okay?</p> <p>13 A. Okay.</p> <p>14 Q. So when you first start, the way it works at all</p> <p>15 tables is, the first waitress to get to the table serves</p> <p>16 the table; is that correct?</p> <p>17 A. Correct.</p> <p>18 Q. Now, is that true -- does that mean they could</p> <p>19 serve that round, or is only that waitress able to serve</p> <p>20 that table from then on?</p> <p>21 A. It's -- it's kind of hard -- a person can</p> <p>22 initially, you know, see the table and serve them and</p> <p>23 someone can tap you from another table and say: Can you</p> <p>24 grab me this? You can't say no because I'm, you know,</p> <p>25 working this table.</p>	<p style="text-align: right;">Page 53</p> <p>1 Q. Okay. So the -- and that's kind of what I was</p> <p>2 trying to understand.</p> <p>3 The way -- as far as what you heard from the</p> <p>4 managers -- well, essentially, from the managers you heard</p> <p>5 nothing; it was just a free for all, whatever was going</p> <p>6 on. They didn't tell you one way or another on the</p> <p>7 tables; is that fair?</p> <p>8 A. Yes, that's fair.</p> <p>9 Q. But the waitresses kind of -- there were kind</p> <p>10 of waitress -- I don't even want to say "agreements," but</p> <p>11 kind of, they told you what they believed the correct way</p> <p>12 to do it was, and that was, essentially, if someone else</p> <p>13 was already at the table, it was their table as much as</p> <p>14 possible; is that fair?</p> <p>15 A. Yes.</p> <p>16 Q. And I say "as much as possible" because if a</p> <p>17 customer taps you on the shoulder, you're going to help</p> <p>18 them, or if a customer says, "Can you help me," you're</p> <p>19 going to help them, and then you might help them more and</p> <p>20 more depending on what goes on throughout the night?</p> <p>21 A. Yes.</p> <p>22 Q. And a waitress may say: Hey, I need some help</p> <p>23 with this table, or, Hey, can you check this table for me?</p> <p>24 You-all would do that occasionally as well; is that fair?</p> <p>25 A. Ye- -- yes.</p>

<p style="text-align: right;">Page 54</p> <p>1 Q. When you started working at Foxy's, how many 2 waitresses were there?</p> <p>3 A. Five. That I knew of, five.</p> <p>4 Q. And you -- you knew of a total of five?</p> <p>5 A. Yes.</p> <p>6 Q. How many -- how many days per week were you 7 working at Foxy's?</p> <p>8 A. When I first started, three.</p> <p>9 Q. Did that change as time went on?</p> <p>10 A. Yes.</p> <p>11 Q. How many days a week were you working the most -- 12 when you were working the most at Foxy's?</p> <p>13 A. Five.</p> <p>14 Q. How long -- how -- how -- for what period of time 15 did you work five days at Foxy's?</p> <p>16 A. I worked five days for about a month and a half.</p> <p>17 Q. When was that?</p> <p>18 A. That was maybe, like, three weeks after I 19 started. Like, I was -- I was -- I'm a good waitress, so 20 they knew I could, like, handle -- I could really handle 21 the club by myself, and they knew that. So they were 22 like: Oh, we need you on these days, so yeah.</p> <p>23 Q. After that month and a half, how many days a week 24 were you working?</p> <p>25 A. The first half or after the five days when it</p>	<p style="text-align: right;">Page 56</p> <p>1 But on Mondays, as you can imagine, it's not 2 like regular, normal club, so there wasn't really any 3 money to make on the floor, but I still tried it, so...</p> <p>4 Q. I'm sorry. Could you repeat that? Can you 5 repeat what --</p> <p>6 A. Which part?</p> <p>7 Q. -- you were doing -- what the issue was.</p> <p>8 A. I'm sorry. The issue was I was scheduled to work 9 the bar on Mondays --</p> <p>10 Q. Okay.</p> <p>11 A. -- and when I went in, there was somewhere else 12 there, and I was told I could work the floor, which the 13 floor really doesn't have much money on Mondays, but I 14 tried it, though.</p> <p>15 Q. When you -- when you say "work the bar," do you 16 mean as a bartender or serving in the bar area?</p> <p>17 A. It's serving in the bar area, but you still get 18 4.25 for working behind the bar regardless of whether you 19 have customers or not. But if you're on the floor, you're 20 kind of the at mercy of tips. You get what I'm saying? 21 Like, that's where you make the majority of your money, so 22 -- so I wanted the bar because I knew I was at least 23 making something from the bar.</p> <p>24 Q. When you say "4.25," do you mean 4.25 an hour?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 55</p> <p>1 went down?</p> <p>2 Q. Exactly. When it went down. When it went down.</p> <p>3 A. Well, they took me down to three.</p> <p>4 Q. Do you know why?</p> <p>5 A. What I was told, because it was something I 6 posted on Facebook, and I didn't reach out to them about 7 my concerns sooner. That's what I was told.</p> <p>8 Q. And you were taken down to -- you are allegation 9 is you were taken down to three days a week?</p> <p>10 A. Yes.</p> <p>11 Q. How -- did you stay working three days a week for 12 the rest of your time at Foxy's?</p> <p>13 A. Yes -- yes and no.</p> <p>14 Q. What's the "no" part?</p> <p>15 A. I had -- I had Mondays, and I was on the schedule 16 to work. When I showed up, there was someone else there. 17 I was still able to work, but I wasn't doing the job that 18 I was assigned to do, so I still went in to work Mondays.</p> <p>19 Q. What do you mean by that?</p> <p>20 A. What do you mean, like a job assignment?</p> <p>21 Q. Yes.</p> <p>22 A. Well, on Mondays, I was supposed to work the bar, 23 and I was scheduled to work. When I went in, there was 24 somebody else back there, and I'm like: Okay. And I was 25 told: Okay, you can work the floor.</p>	<p style="text-align: right;">Page 57</p> <p>1 Q. Okay. So behind the bar, you would be making 2 about \$2 more an hour, plus whatever tips you get; whereas 3 the floor, it's going to be more variable. It could be a 4 lot more if someone some -- came in and was really 5 spending, but it also could be a lot less if the floor is 6 empty?</p> <p>7 A. Yes.</p> <p>8 Q. Was this all throughout on Mondays after you went 9 down from five days, or was it only one Monday or a couple 10 Mondays? I didn't understand that for certain.</p> <p>11 A. It was throughout Mondays.</p> <p>12 Q. Okay. How did you -- why did you believe you 13 were scheduled to be on the bar and not on the floor 14 originally?</p> <p>15 A. I had always been on the bar.</p> <p>16 Q. Okay. So --</p> <p>17 A. I was scheduled on the bar.</p> <p>18 Q. You were scheduled on the bar?</p> <p>19 A. Yes.</p> <p>20 Q. Like, was there a written scheduled that assigned 21 out where the different servers would be?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And it had you listed as the server in the 24 bar area, correct?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 58</p> <p>1 Q. Do you remember exactly when --</p> <p>2 A. Yes.</p> <p>3 Q. -- this was?</p> <p>4 A. It was around the end of November, beginning of</p> <p>5 December.</p> <p>6 Q. Okay. So this -- this occurred right near the</p> <p>7 end?</p> <p>8 A. Yes.</p> <p>9 Q. Do you remember how many weeks you were at Foxy's</p> <p>10 after this started?</p> <p>11 A. After what started? When they took me down from</p> <p>12 the bar?</p> <p>13 Q. Yeah. Whatever -- whatever this -- the change in</p> <p>14 your Mondays, was that -- were you there about two or</p> <p>15 three more weeks after that?</p> <p>16 A. Yes. It was -- it was about almost three weeks.</p> <p>17 Q. So for three Mondays, then, is it fair to say</p> <p>18 that you thought you would be on the bar, but you were on</p> <p>19 the floor instead?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Are you able to quantify what the</p> <p>22 difference in money you made those nights is, though?</p> <p>23 A. Yes.</p> <p>24 Q. And how would you do that?</p> <p>25 A. Of course I would -- if I was at the bar, I would</p>	<p style="text-align: right;">Page 60</p> <p>1 it was empty either way?</p> <p>2 A. It de- -- at the bar, it -- you could make more</p> <p>3 tips at the bar either way, because it's BYOB, so of</p> <p>4 course you can't bring in things like juice and soda, so</p> <p>5 if you have two people in there and they have a bottle, of</p> <p>6 course they are going to come up there and -- and buy</p> <p>7 something to mix it with. You are going to get tipped at</p> <p>8 the bar before you get tipped on the floor.</p> <p>9 Does that make sense?</p> <p>10 Q. Yes and no.</p> <p>11 I mean, they -- also, if they sit down,</p> <p>12 though, you can come to them and say: You've got a</p> <p>13 bottle. What of mixers do you want? That -- I mean, that</p> <p>14 was your job as a waitress on the floor, right?</p> <p>15 A. Yeah. But if it's -- if it's not crowded, like,</p> <p>16 they would just walk up to the bar and for some strange</p> <p>17 reason, you know, if it's not people in there, they just</p> <p>18 walk up to the bar. I don't know, but if it's a lot of</p> <p>19 people in there, it helps cause people sit down to secure</p> <p>20 their seat, you know, or the table. If it's -- there's</p> <p>21 nobody in there, you know, you can get up and go to the</p> <p>22 bar, get what you need and, you know, kind of sit down.</p> <p>23 Q. Management never told you, though, that you would</p> <p>24 always be on the bar or the floor shift either way,</p> <p>25 correct?</p>
<p style="text-align: right;">Page 59</p> <p>1 be making -- I'm sorry -- 4.25, plus, of course, the</p> <p>2 little tips. On the floor, I -- we would probably make,</p> <p>3 what, 25, 30 bucks. It's a Monday, like, unless you have</p> <p>4 people, you know, on a whim coming in there, you know,</p> <p>5 wanting to spend money on Mondays, it's, like, Mondays was</p> <p>6 a really slow night. So the bar, you know, of course, it</p> <p>7 gave me a opportunity to make something because I was</p> <p>8 getting 4.25.</p> <p>9 Q. Understood.</p> <p>10 A. So the bar -- I was getting tips.</p> <p>11 I'm sorry. Go ahead.</p> <p>12 Q. Sorry if I cut you off. The video looked like</p> <p>13 you were done, and that's -- that's what I mean when I was</p> <p>14 trying to highlight that earlier. I'm not trying to cut</p> <p>15 you off. It looks like you're done, it pauses for me, and</p> <p>16 so I start talking.</p> <p>17 A. Okay.</p> <p>18 Q. The difference -- is the difference in money,</p> <p>19 though, then, on those Monday night probably -- how long</p> <p>20 was the shift? Six hours? Eight hours?</p> <p>21 A. It was usually six hours.</p> <p>22 Q. So that's a \$12 differential in just straight</p> <p>23 pay, correct?</p> <p>24 A. Yes.</p> <p>25 Q. The tips, would those be about the same because</p>	<p style="text-align: right;">Page 61</p> <p>1 A. Yeah, it was a set shift. When they make a</p> <p>2 schedule, it was set, like, bar, floor.</p> <p>3 Q. Right.</p> <p>4 What I'm saying is that was for -- that's</p> <p>5 done on a weekly basis, though, correct?</p> <p>6 A. Yes.</p> <p>7 Q. On those -- those -- and the video went off for</p> <p>8 me, but I'm going to keep going as long as you can hear</p> <p>9 me.</p> <p>10 A. Okay.</p> <p>11 Q. For -- for the two or three weeks that we are</p> <p>12 talking about here on the Mondays, are you saying that the</p> <p>13 schedules on all three of those weeks said you would be on</p> <p>14 the bar on Mondays?</p> <p>15 A. Yes. The schedule is set. They try to do it for</p> <p>16 two weeks out. So if you, you know, needed some time off</p> <p>17 or whatsoever, they did that so you can, you know, have</p> <p>18 time to, you know, put in if you need a day off or</p> <p>19 something like that. That was the reason why they set the</p> <p>20 schedule in order for people to, you know, be able to take</p> <p>21 off, or I need to take off, and gives them time to cover</p> <p>22 the shift. So it was a set schedule for two weeks out.</p> <p>23 Q. Who was it that was covering the bar on those</p> <p>24 evenings, on those Mondays when you were not on the bar?</p> <p>25 A. When I tell you it was some girl I had never</p>

<p style="text-align: right;">Page 62</p> <p>1 seen, I couldn't even tell you who she was.</p> <p>2 Q. Okay. So she was new to you, correct?</p> <p>3 A. Yes.</p> <p>4 Q. Did you go up to the management and ask why she</p> <p>5 was there instead of you?</p> <p>6 A. Yes. I was like: Hey, I'm scheduled to work the</p> <p>7 bar, like, I even confirmed on the schedule that I'm on</p> <p>8 the bar. Like, what's going on? And I really didn't get</p> <p>9 a clear answer.</p> <p>10 Q. Who did you talk to?</p> <p>11 A. I talked to Dave.</p> <p>12 Q. And you said Dave. What did Dave say?</p> <p>13 A. I really didn't get a clear answer.</p> <p>14 Q. What did he say to the best of your recollection,</p> <p>15 though?</p> <p>16 A. Let me check on that. I'll be -- I'll be back.</p> <p>17 I'll let you know something in a minute.</p> <p>18 Q. And he never answered?</p> <p>19 A. Yeah, I never -- after I made my complaint, I</p> <p>20 could never really get clear answers. It was like no one</p> <p>21 wanted to speak to me.</p> <p>22 Q. But as far as you know, then, this was a new</p> <p>23 hire?</p> <p>24 A. Yes, as far as I know. Yes.</p> <p>25 Q. So do you -- did you -- you didn't go up to</p>	<p style="text-align: right;">Page 64</p> <p>1 it's going to be crowded this Monday, and it's not going</p> <p>2 to be all Mondays. The majority of Mondays it's not</p> <p>3 crowded, but you may get some people that's from out of</p> <p>4 town, it's, like, hey, you know, you -- you just never</p> <p>5 know.</p> <p>6 Q. What was your average take home when you were</p> <p>7 behind -- you were working the bar area on Monday, that --</p> <p>8 not -- not the most, but the average?</p> <p>9 A. The average, I would average about almost 2.</p> <p>10 Q. And on the floor, you say you would only make 50</p> <p>11 or so?</p> <p>12 A. Yeah, roughly about 50.</p> <p>13 Q. But that would also depend on who came in, and if</p> <p>14 you happened to have a table actually sit down, and you</p> <p>15 were able to get to them before they went to the bar, you</p> <p>16 could make more?</p> <p>17 A. Yes.</p> <p>18 Q. Were there just two servers working on Mondays?</p> <p>19 A. It would usually just be the bar person and one</p> <p>20 waitress, sometimes two.</p> <p>21 Q. So most of the time, or at least some of the</p> <p>22 time, it would just be one person in the bar, one person</p> <p>23 on the floor, but sometimes there would be a second floor</p> <p>24 person?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 63</p> <p>1 say -- the general manager and say: Hey, why am I on a</p> <p>2 different shift? Or: Did you hire someone new, and is</p> <p>3 that why you're changing my shift? And can we talk about</p> <p>4 it?</p> <p>5 A. No, the general manager wasn't there at the time.</p> <p>6 But I did ask --</p> <p>7 Q. On Mondays?</p> <p>8 A. Yeah. At the time, quote/unquote, given us --</p> <p>9 some girls, a specific manager to talk to, and Dave was --</p> <p>10 (inaudible) -- that's why I talked to him, but I never</p> <p>11 really got clear answers from him.</p> <p>12 Q. Did you go back and talk to him on the next week</p> <p>13 when it happened again?</p> <p>14 A. At that point, I was just, like: Okay. This is</p> <p>15 what it is, I'll see -- I'm not trying to talk to somebody</p> <p>16 that doesn't want to talk.</p> <p>17 Q. On any event, though, this was just -- all of</p> <p>18 what we're talking about is just on your Monday shifts,</p> <p>19 right?</p> <p>20 A. Right.</p> <p>21 Q. Those were not big money-making shifts no matter</p> <p>22 what, correct?</p> <p>23 A. It can depend, because when I first started on a</p> <p>24 Monday, I made \$300. So it can just -- you can't really</p> <p>25 say -- like, it's kind of hard to say: Hey, you know,</p>	<p style="text-align: right;">Page 65</p> <p>1 Q. Did you -- did you work weekends?</p> <p>2 A. Yes.</p> <p>3 Q. On weekends, how many servers were working?</p> <p>4 A. Ooh, at least six.</p> <p>5 Q. And when you talked, I think you said when you</p> <p>6 first started there were five servers.</p> <p>7 How many -- did -- did that number increase</p> <p>8 as time went on?</p> <p>9 A. Yes.</p> <p>10 Q. By the time you left, how many servers were</p> <p>11 working at Foxy's?</p> <p>12 A. Seven.</p> <p>13 Q. And that's -- that makes sense. Because when you</p> <p>14 were first told about the place, the DJ you knew said:</p> <p>15 Hey, they are looking for more people; they are looking to</p> <p>16 hire people; is that correct?</p> <p>17 A. Yes.</p> <p>18 Q. Did any of the servers leave Foxy's while you</p> <p>19 were there?</p> <p>20 A. Yes.</p> <p>21 Q. Who left Foxy's while you were there?</p> <p>22 A. It was a server named Lucia. She was actually</p> <p>23 fired.</p> <p>24 Q. What was she fired for; do you know?</p> <p>25 A. She was assaulted by a customer, a guy customer,</p>

<p style="text-align: right;">Page 66</p> <p>1 and she defended herself, and the management -- I guess</p> <p>2 they were upset about the altercation and they fired her.</p> <p>3 Q. When you say "assaulted," do you mean touched or</p> <p>4 actually, like, attacked?</p> <p>5 A. He pushed her.</p> <p>6 Q. Okay. He pushed her, and then what did she do?</p> <p>7 Were -- were you there?</p> <p>8 A. Yes.</p> <p>9 Q. Did you see it?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. So what did you see?</p> <p>12 A. He -- she was walking by, and he pushed her,</p> <p>13 like, I don't know if she was -- it was very crowded. I</p> <p>14 guess he felt like she was, like, too close to him. She</p> <p>15 was just walking by him, or she was coming to actually</p> <p>16 hand me a cooler that -- a empty cooler that she had in</p> <p>17 her hand, and he kind of pushed her and her neck -- turned</p> <p>18 around and kind of, you know, slinged, like, that's a man,</p> <p>19 you know, put his hands on a woman. So in our mind, she</p> <p>20 was just, like, I'm going to defend myself.</p> <p>21 Q. Okay. So is it fair to say, then, from your own</p> <p>22 perspective, someone pushed her, did not strike her, but</p> <p>23 pushed her, and she responded by striking that person?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. So they fired her for that?</p>	<p style="text-align: right;">Page 68</p> <p>1 like to go back your allegation that at some point</p> <p>2 managers started kind of directing certain tables to</p> <p>3 certain waitresses.</p> <p>4 When did that happen?</p> <p>5 A. That happened -- let's see -- late September,</p> <p>6 early November. I don't want to get the times mixed up.</p> <p>7 Q. If --</p> <p>8 A. Around there.</p> <p>9 Q. September or October?</p> <p>10 A. September -- yeah, September, October, around</p> <p>11 there.</p> <p>12 Q. What exactly did you see happen? Like, what</p> <p>13 exactly -- how exactly did it work?</p> <p>14 A. I would notice that -- okay. The way the door</p> <p>15 is, it's like a wall, and we can't see them until they</p> <p>16 come from around, like a little -- it's like a little wall</p> <p>17 part, and once they get, like, to the end of it, that's</p> <p>18 when we can actually see them. On the other side, it's,</p> <p>19 like, tables right there, so you know, one day I'm like:</p> <p>20 Okay. I'm not getting any customers. Like, what's going</p> <p>21 on?</p> <p>22 So I stepped on the other side because I</p> <p>23 actually saw somebody, you know, and I'm standing over</p> <p>24 there, and I see the manager, Dave, like, talking to the</p> <p>25 Caucasian waitresses and he was doing like -- doing like</p>
<p style="text-align: right;">Page 67</p> <p>1 A. Yes.</p> <p>2 Q. Anyone else leave Foxy's -- any other servers</p> <p>3 leave Foxy's while you were there?</p> <p>4 A. No, not while I was there.</p> <p>5 Q. The -- the -- the seven-ish servers, and probably</p> <p>6 eight given that one had left, can you give me the names</p> <p>7 of each of those eight servers and their race?</p> <p>8 A. Ashley, Caucasian; Erica, Caucasian; Lauren,</p> <p>9 Caucasian; Kiara, African American; Janelle, African</p> <p>10 American; Tatiana, African American. It was another girl</p> <p>11 there -- I forgot her name -- she was Puerto Rican, I</p> <p>12 think, and Lucia was Spanish.</p> <p>13 Q. Who was it that was working behind the bar on</p> <p>14 Mondays?</p> <p>15 A. The new -- the new person?</p> <p>16 Q. Yes.</p> <p>17 A. I don't -- I don't know her name, but she was a</p> <p>18 Caucasian.</p> <p>19 Q. You never -- you never knew her name?</p> <p>20 A. No.</p> <p>21 Q. Was she fired -- was she hired essentially to</p> <p>22 replace the fired server?</p> <p>23 A. No. This was -- yeah, this was a while after</p> <p>24 Lucia was -- was let go.</p> <p>25 Q. I know we talked about it a little bit, but I'd</p>	<p style="text-align: right;">Page 69</p> <p>1 hand motions because some people are at the door. And</p> <p>2 when they walked up, you know, he was talking to them,</p> <p>3 telling them -- you know, I guess they was saying: Hey,</p> <p>4 this is going to be your waitress, X, Y, Z. And she</p> <p>5 walked them inside the club. And I'm like: Okay. I</p> <p>6 didn't know that -- I didn't know these people. Why</p> <p>7 didn't he -- you know, table. She had already had, like,</p> <p>8 six tables. And she actually told me: These are my</p> <p>9 people. I got them. Like, anything they need, I got</p> <p>10 them.</p> <p>11 And I've even went to the manager's table</p> <p>12 and said: Hey, you know, I don't have any tables. Oh,</p> <p>13 well this -- it's their customers, there is nothing --</p> <p>14 nothing I can do about that.</p> <p>15 Q. Okay. Now, let me unpack that a little bit.</p> <p>16 One thing -- he was already talking to this</p> <p>17 server when these people came in the door?</p> <p>18 A. Yes.</p> <p>19 Q. Was it normal for the managers to interact with</p> <p>20 customers when they walked in the door?</p> <p>21 A. No, not like -- no.</p> <p>22 Q. Are you --</p> <p>23 A. Unless someone asked for a manager.</p> <p>24 Q. I'm sorry. It cut out a little bit.</p> <p>25 A. Unless someone asked for a manager, I mean,</p>

<p style="text-align: right;">Page 70</p> <p>1 there's no need to -- to speak to a manager.</p> <p>2 Q. Right. But wasn't it your experience -- didn't</p> <p>3 you see managers, especially on regular customers, when --</p> <p>4 when they would come in, managers would go up say hello to</p> <p>5 them and -- and talk to them and -- and welcome them into</p> <p>6 the club?</p> <p>7 A. I mean, they would speak: Hey, how you doing?</p> <p>8 And go on about their business, but I mean, assigning a</p> <p>9 waitress to certain customers, no.</p> <p>10 Q. Well, did you actually hear whatever was said</p> <p>11 during the conversation?</p> <p>12 A. No, I didn't hear it, no.</p> <p>13 Q. So all you know, though, is that he said -- waved</p> <p>14 customers over, talked to them while a waitress was</p> <p>15 standing there, and then she left with those customers;</p> <p>16 that's it, right?</p> <p>17 A. Yes, yes.</p> <p>18 Q. You don't know what the conversation was, right?</p> <p>19 A. No.</p> <p>20 Q. You don't know if -- if the customers, while</p> <p>21 standing there talking to the manager, said: Hey, we'd</p> <p>22 like to have this person serve us?</p> <p>23 A. No, I don't know that.</p> <p>24 Q. How -- when else do you remember it occurring?</p> <p>25 Can you give me any other specific examples of this</p>	<p style="text-align: right;">Page 72</p> <p>1 had -- I don't know if they were contract. I'm pretty</p> <p>2 sure they were. It was contract security guards they had</p> <p>3 standing outside.</p> <p>4 Q. And two of them came inside?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. So tho- -- those two outside security</p> <p>7 guards came in with this rapper, and then stood at the</p> <p>8 entrance to VIP and kept you out?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. You don't know their names, though, right?</p> <p>11 A. No, I don't know the security guards names, but I</p> <p>12 actually know the rapper personally.</p> <p>13 Q. What -- what's his name?</p> <p>14 A. His name is Wesley Weston. He goes by Little</p> <p>15 Flip.</p> <p>16 Q. Have you talked to him about that night?</p> <p>17 A. I haven't talked to him about that -- the night.</p> <p>18 Of course, I mentioned it, but we haven't talked in</p> <p>19 detail, but when we made eye contact, he was like -- he</p> <p>20 threw his hands up like, and I just shook my head, and he</p> <p>21 was just -- he just shook his head like: What's going on?</p> <p>22 Q. Did you go talk to any of the managers about</p> <p>23 that?</p> <p>24 A. Oh, yes, I did.</p> <p>25 Q. Who?</p>
<p style="text-align: right;">Page 71</p> <p>1 occurring?</p> <p>2 A. Yes. There was a rapper, a local rapper, that</p> <p>3 came into the club, and I was told to go do something,</p> <p>4 something random, and he was escorted up to VIP. I tried</p> <p>5 to go up to the VIP; there were two security guards there.</p> <p>6 They stood there, and I'm like -- you know, I'm going to</p> <p>7 go over here to see, you know, if he needs something. Oh,</p> <p>8 we can't let you through. Okay.</p> <p>9 So two of the Caucasian waitresses walked</p> <p>10 up. They didn't even say anything. I'm standing close</p> <p>11 enough to -- to -- they didn't say anything to the</p> <p>12 security guard, and he stepped aside and let them walk</p> <p>13 through.</p> <p>14 Q. Let me -- let me try to understand this a little</p> <p>15 bit, and I think I know what you're talking about.</p> <p>16 Did this happen on the last night you were</p> <p>17 there?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Because this was in your charge,</p> <p>20 generally. So I wanted to make sure that we were talking</p> <p>21 about the same time.</p> <p>22 When this occurred, those two -- you're</p> <p>23 saying security guards. Do you know if they came in with</p> <p>24 that rapper?</p> <p>25 A. No. They didn't. We had -- we -- well, Foxy's</p>	<p style="text-align: right;">Page 73</p> <p>1 A. I talked to Dan.</p> <p>2 Q. To Dan?</p> <p>3 A. Dan, yes.</p> <p>4 Q. What did Dan -- what did you tell Dan?</p> <p>5 A. I told Dan, you know, I'm -- I'm not feeling</p> <p>6 this. You know, I'm just not feeling this. I'm -- I'm</p> <p>7 ready to go, you know, because I'm being kept from waiting</p> <p>8 on -- on customers, and he basically told me to go to the</p> <p>9 office, fill out stating that I'm abandoning my job.</p> <p>10 Q. Okay. You didn't specifically tell him about</p> <p>11 what happened in the VIP, then; you just -- you generally</p> <p>12 told him you're not feeling like you're being given an</p> <p>13 opportunity. Is that fair?</p> <p>14 A. That's fair, yes.</p> <p>15 Q. Okay. Then -- then you go into the office, and</p> <p>16 he says: If you leave your -- and this is in your charge,</p> <p>17 so I'm going to walk you through it from what I read from</p> <p>18 the charge. If I'm wrong tell me.</p> <p>19 That -- that you go into the office and say:</p> <p>20 I have -- you know, I want to leave. He says if you do,</p> <p>21 it'll be job abandonment, and you say: But I'm not</p> <p>22 abandoning my job. Is that more or less it?</p> <p>23 A. Yes.</p> <p>24 Q. Then at that point, it says: Well, if you leave</p> <p>25 it will still be a write-up; is that correct?</p>

<p style="text-align: right;">Page 74</p> <p>1 A. Yes.</p> <p>2 Q. You then read -- resigned and said: I quit?</p> <p>3 A. Yes.</p> <p>4 Q. Had you just left and not told him you quit, you</p> <p>5 would have only gotten a written warning; you would not</p> <p>6 have been terminated. That was your understanding,</p> <p>7 correct?</p> <p>8 A. I -- yeah, from my understanding, I -- yes.</p> <p>9 Q. You chose to quit at that point?</p> <p>10 A. Oh, yes.</p> <p>11 Q. You did not go to talk to the general manager or</p> <p>12 any other of the managers about what was happening that</p> <p>13 night, correct?</p> <p>14 A. Correct.</p> <p>15 Q. Any other specific occasions you can remember</p> <p>16 where customers were directed to some specific waitress</p> <p>17 and not to you?</p> <p>18 A. It's a lot of times. I mean, customers has even</p> <p>19 told me, like, it's -- it's so many that I can't -- I</p> <p>20 can't put a -- a -- a timestamp on it. I mean, it was the</p> <p>21 group of guys -- what was his name -- it may come to me a</p> <p>22 little later.</p> <p>23 But, I mean, he spent a lot of money in the</p> <p>24 club, and he actually told me: Oh, I have been told by</p> <p>25 the managers and the waitresses if -- you know, you or the</p>	<p style="text-align: right;">Page 76</p> <p>1 weren't getting any tables or that the tables were</p> <p>2 reduced? What -- what are your exact allegations about</p> <p>3 the working conditions?</p> <p>4 A. Of the night that I quit?</p> <p>5 Q. Before that. We have talked about that night.</p> <p>6 But let's talk, like, the week or two weeks or three</p> <p>7 weeks.</p> <p>8 A. Before that, it was just, of course, the tables.</p> <p>9 I mean, I -- I wasn't getting any, you know, tables. Of</p> <p>10 course, the language continued. You know, the blatant</p> <p>11 disrespect, being ignored, being bumped into, you know,</p> <p>12 without -- you know, people saying excuse me, you know,</p> <p>13 things like that. It was, you know, more things that led</p> <p>14 up to me quitting, not just, you know, one thing.</p> <p>15 Q. I know. And we'll talk more about that. I have</p> <p>16 got your charges. I'm going to look through those with</p> <p>17 you. I'm try -- just trying to understand. I'm really</p> <p>18 focusing on your tables and things like that right now.</p> <p>19 What -- what exactly are your allegations</p> <p>20 about your tables on the weeks, the days, leading up to</p> <p>21 your termination, or your -- your quitting?</p> <p>22 A. I felt like I was -- I was being held back from</p> <p>23 helping certain customers that were in there spending</p> <p>24 money because they were already assigned, per se, to a</p> <p>25 waitress.</p>
<p style="text-align: right;">Page 75</p> <p>1 other black girl, and -- I quote him: If you or the other</p> <p>2 black girl are here, to tell y'all that we are already</p> <p>3 being taken care of.</p> <p>4 And this -- this is coming from customers.</p> <p>5 Q. When do you allege this occurred?</p> <p>6 A. Just like I said, I can't put a stamp on it</p> <p>7 because it happened so many times, like --</p> <p>8 Q. And --</p> <p>9 A. After my initial complaint -- I'm sorry. I don't</p> <p>10 know if it's lagging. I'm sorry.</p> <p>11 Q. It's a little bit. You paused -- part of it, I</p> <p>12 think, is just normal pauses, and then it lags a little</p> <p>13 bit, and I think you're done. So you're welcome -- you</p> <p>14 tell me to shut up if I -- if I do talk over you.</p> <p>15 But you don't -- you don't, as we sit here,</p> <p>16 remember that customer's name?</p> <p>17 A. I forgot his name. Like I say, I'm horrible with</p> <p>18 names. If I -- I could -- if I could see a face one time,</p> <p>19 I could remember, but names -- what is his name? Oh, my</p> <p>20 God.</p> <p>21 Q. You don't have any contact information for that</p> <p>22 customer, do you?</p> <p>23 A. No. It's just someone that, you know, I would</p> <p>24 see him come in the club often.</p> <p>25 Q. Before the night you quit, do you allege you</p>	<p style="text-align: right;">Page 77</p> <p>1 Q. What percentage of customers are you alleging</p> <p>2 this occurred with?</p> <p>3 A. Maybe about 20, 25 percent of customers.</p> <p>4 Q. Okay. And they would just be assigned to a</p> <p>5 certain waitress?</p> <p>6 A. Yes.</p> <p>7 Q. Is it your allegation that was only the Caucasian</p> <p>8 ones? Because we have talked -- there are women of -- you</p> <p>9 know, African American women, Latino -- or Latino women.</p> <p>10 Are you saying it was only the Caucasian</p> <p>11 women or just everyone but you?</p> <p>12 A. Only the Caucasian women.</p> <p>13 Q. Okay. So it's your allegation that the managers</p> <p>14 were directing these -- about 20 percent of the customers</p> <p>15 to Caucasian waitresses?</p> <p>16 A. Yes, and when I say "20 percent of the</p> <p>17 customers," you have to think about, you can have a -- a</p> <p>18 club like that with a full house but only 20 percent of</p> <p>19 them are spending money. You understand that?</p> <p>20 So that 20 percent that's spending money,</p> <p>21 those went to the Caucasian waitresses.</p> <p>22 Q. And it's your allegation the managers somehow</p> <p>23 knew that when they walked in the door, it would be</p> <p>24 spending money?</p> <p>25 A. Oh, yeah. They can kind of -- you can kind of</p>

<p style="text-align: right;">Page 78</p> <p>1 tell, you know -- I don't -- I don't know if y'all have, 2 you know, really been to places like that. You can kind 3 of tell who is there to -- to spend money, and who is 4 there just to sit and lurk. 5 Q. Did you ever hear any of the conversations with 6 these customers and the servers? 7 A. Oh, yes. 8 Q. Like -- and I mean when they walked in. Were you 9 ever there when the manager was talking to these customers 10 and the server? 11 A. I've heard one conversation with Dave, and one -- 12 it was one customer, and the waitress had walked off, but 13 I actually heard one conversation. 14 Q. What do you allege happened there in that 15 conversation? 16 A. He was telling the guy, which is -- is -- it's 17 kind of crazy because the guy he was talking to is friends 18 with my brother. So he was telling him: Hey, we've 19 already got a -- a waitress for you. You know, some of 20 the other girls, I'm not going to say that they are lazy, 21 but this is the best waitress. 22 And he actually told me, and I'm like: 23 Well, okay. I don't think he knows that this guy actually 24 knows me, and he knows my brother. 25 Q. What is -- what is the guy we are talking about?</p>	<p style="text-align: right;">Page 80</p> <p>1 Q. Part of this is if you say someone knows 2 something, we may need to talk to them. We may need to 3 depose them to make sure that -- you know, see what they 4 say. So we got to know -- 5 A. That's fine. 6 Q. And if we don't know who they are, then we are 7 going to go to the judge -- this is why Kell wants you to 8 give me the name -- we are going to go the judge and say: 9 She wouldn't tell me who it was, so you can't -- you can't 10 let that testimony in, and, you know, we are in -- federal 11 court are pretty good on that -- that sort of end. 12 A. You know people, when we're saying their name -- 13 it's just I haven't told him, you know, what's going on. 14 Q. I do understand. Luckily, we are on a secure 15 platform, and this is just going to go -- this transcript 16 will just go to us, and I doubt anyone's going to be 17 spreading it around, so that should not be an issue. 18 I think we are about ready -- I think we 19 have talked about kind of the -- the, just, narrative part 20 that I want to talk through. I think what we can do now 21 is start looking at the allegations and the charge, and 22 really, we are going to go back through all this in that 23 because the way they worked. So let's take another quick 24 break, and then -- 25 A. Okay.</p>
<p style="text-align: right;">Page 79</p> <p>1 Do you know his name? 2 A. Yes, I do. His name is Don. Don. 3 Q. Last name? 4 A. Yes, I do. I don't want to disclose that, 5 though. 6 Q. If you're -- I have to ask you to. 7 MR. SIMON: You can. 8 THE WITNESS: Oh, it's -- it's okay for me 9 to -- 10 MR. SIMON: Yeah, it's fine. 11 THE WITNESS: -- to disclose his name? 12 Okay. His name is Jackson, last name. 13 BY MR. McKAY: 14 Q. Do you know his number or his contact 15 information? 16 A. I'm pretty sure I can get it. 17 Q. Okay. I'll ask you, if you can give me numbers 18 and names after that, and Kell may have given me some of 19 them already with numbers, and if he hadn't, he'll -- I 20 know he'll get me them? 21 MR. SIMON: I'll try. 22 MR. McKAY: He has to, and that's just the 23 way it works. So, Kell, if you'll handle whenever. We 24 can talk about that. I'm not -- I'm not worried. 25 BY MR. McKAY:</p>	<p style="text-align: right;">Page 81</p> <p>1 Q. -- get back at it and talk about the documents. 2 A. Okay. 3 (Brief recess taken.) 4 THE VIDEOGRAPHER: We are back on the 5 record. The time is approximately 12:05 p.m. This is the 6 beginning of Media No. 2. 7 Counsel, you may proceed. 8 BY MR. McKAY: 9 Q. Ms. Carter, we are going to start -- I'm going to 10 start by resharing the complaint that we talked about 11 earlier. Okay? 12 A. Okay. Okay. 13 Q. If you would, just whenever it loads up, tell me, 14 and then we're -- we'll just go through it, and you can 15 start on the factual background that's on page 3 out of 16 10. 17 A. Okay. It's still loading. 18 Q. It's not a problem. You just tell me when you're 19 ready. 20 A. Okay. I don't know why it's taking so long. 21 Okay. You said page 3, right? 22 Q. Yeah. There's a heading "Factual Background." 23 A. That's kind of small. 24 Q. You -- so -- but -- that's why we did a little 25 earlier. If you see that plus/minus up top --</p>

<p style="text-align: right;">Page 82</p> <p>1 A. Where I can make it bigger?</p> <p>2 Q. You can make it bigger.</p> <p>3 A. Okay. Okay. And you say you're on page 3?</p> <p>4 Q. Yes. And if you look at the bottom right,</p> <p>5 there's a 3 out of 10, do you see that -- or a something</p> <p>6 out of 10?</p> <p>7 A. I don't see where you are. I'm on page 3 of 8,</p> <p>8 and I don't see --</p> <p>9 Q. So it's actually page 2 of 8, if you're looking</p> <p>10 at the top right --</p> <p>11 A. Okay.</p> <p>12 Q. -- it'd be page 2 of 8 with "Factual Background."</p> <p>13 A. Okay. Now I see it. I thought it was on page 3.</p> <p>14 Q. And -- and when I'm referring to a 3 out of</p> <p>15 number, if you look at the very bottom left of the</p> <p>16 document, there's a little, kind of, overlay -- it's not</p> <p>17 the document itself -- that tells you where you're at.</p> <p>18 It's the program.</p> <p>19 Do you see that?</p> <p>20 A. Actually, I don't.</p> <p>21 Q. Okay. Some -- some witnesses don't see it.</p> <p>22 You're not the first one. So we will use the top right.</p> <p>23 So we are on page 2 out of 8.</p> <p>24 A. Okay.</p> <p>25 Q. We are in the bolded Section 2, and I'm just</p>	<p style="text-align: right;">Page 84</p> <p>1 Q. I know you had a little bit of uncertainty about</p> <p>2 exactly when you started. But seeing that, you don't have</p> <p>3 any reason to disagree that you started in June?</p> <p>4 A. No, I don't have a reason to disagree.</p> <p>5 Q. After you began working there, the next paragraph</p> <p>6 states that you began having -- hearing people use the "N"</p> <p>7 word while on shift, and it sounds like mostly you heard</p> <p>8 that while people were singing along with the music. Is</p> <p>9 that true?</p> <p>10 A. Yes.</p> <p>11 Q. This is -- Foxy's is a nightclub, correct?</p> <p>12 A. Yes.</p> <p>13 Q. One of the things it has at all times is</p> <p>14 relatively loud music playing, correct?</p> <p>15 A. Yes -- yes.</p> <p>16 Q. What sort of music did Foxy's -- as a general</p> <p>17 type, what sort of music did Foxy's have playing?</p> <p>18 A. Rap and hip-hop, R&B.</p> <p>19 Q. It's a -- it's a club that caters to people who</p> <p>20 want to listen to hip-hop, R&B, and similar types of</p> <p>21 music, correct?</p> <p>22 A. Yes and no, depending on what -- you know, what</p> <p>23 type of customers are there, they'll, like, kind of base</p> <p>24 it off of, you know, what type of customers are there.</p> <p>25 Q. Right. But it's not a club that was playing</p>
<p style="text-align: right;">Page 83</p> <p>1 going to walk --</p> <p>2 A. Okay.</p> <p>3 Q. -- through the allegations of your complaint.</p> <p>4 Okay?</p> <p>5 A. Okay.</p> <p>6 Q. We are going to probably get a lot more detail</p> <p>7 actually talking about these with regards to -- to your</p> <p>8 charges. They have more -- well, more or less the same</p> <p>9 thing, but, you know, that's what you did</p> <p>10 contemporaneously, and I'll want to look at them.</p> <p>11 So for the complaint, I'm probably just</p> <p>12 going to -- I'm going to go over it and make sure</p> <p>13 everything there you agree and ask some high-level</p> <p>14 questions. Then we are going to do this again with the</p> <p>15 charges, but with probably a little more detail. Okay?</p> <p>16 A. Okay.</p> <p>17 Q. I'm telling you that now, so that when we talk</p> <p>18 about things here, if you need to tell me something,</p> <p>19 great, but don't feel like I'm just skipping something</p> <p>20 where you feel like you have something you need to tell</p> <p>21 me. We will get back to it.</p> <p>22 A. Okay.</p> <p>23 Q. So the first thing is that you began working in</p> <p>24 June of 2017 as a waitress. You agree with that?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 85</p> <p>1 country music, right?</p> <p>2 A. They play country songs.</p> <p>3 Q. And what I mean is their -- their baseline music</p> <p>4 was -- well, and let me -- let me step that back.</p> <p>5 You understand -- do you know who chose the</p> <p>6 music?</p> <p>7 A. The DJs.</p> <p>8 Q. Okay. This is a club -- it's an adult club, and</p> <p>9 there were entertainers who would dance on stage, correct?</p> <p>10 A. Correct.</p> <p>11 Q. Do you know whether those entertainers selected</p> <p>12 the music?</p> <p>13 A. Yes. Sometimes for their stage set, they would,</p> <p>14 you know, tip the DJ to play certain songs.</p> <p>15 Q. And so the entertainers, who were of all races,</p> <p>16 ethnicities, and -- and backgrounds, correct?</p> <p>17 A. Correct.</p> <p>18 Q. They would decide, sometimes at least, what music</p> <p>19 they wanted to play during their set -- there -- there are</p> <p>20 usually two songs while they were on stage, and they would</p> <p>21 tell the DJ: Here's what I'd like you to play, and he</p> <p>22 would play that?</p> <p>23 A. Correct.</p> <p>24 Q. And therefore, at the club, all sorts of music</p> <p>25 could be played. It would either be what the DJ wanted or</p>

<p style="text-align: right;">Page 86</p> <p>1 whatever any individual entertainer from any -- you know, 2 any background and any preference, what they may want to 3 play, correct? 4 A. Correct. 5 Q. That -- that -- depending on whether or not the 6 club actually has access to the song and it's in the 7 library, of course? 8 A. Correct. 9 Q. You would agree with me that song -- that hip-hop 10 artists use the "N" word in their song? 11 MR. SIMON: Objection, form. 12 You can answer it. 13 THE WITNESS: Correct. 14 BY MR. McKAY: 15 Q. You would agree with me that there is a lot of 16 popular music -- and I don't mean the pop genre, but 17 popular hip-hop music -- it is not uncommon to hear the 18 "N" word used? 19 A. No, it's not uncommon. 20 Q. So it's not as if songs were specifically 21 chosen -- well, let me step back. 22 The -- the DJ, who is actually making these 23 decisions, was a friend of yours, wasn't he? 24 A. Yes. 25 Q. And what -- what was his ethnicity? What's his</p>	<p style="text-align: right;">Page 88</p> <p>1 along with the song that uses that word? 2 A. I -- it depends on who's singing the song when 3 the "N" word comes up. 4 Q. Are hint -- you are hinting at it's more 5 appropriate or more acceptable for someone of an African 6 American background to do it than, say, a Caucasian? 7 A. Oh, of course. I have never heard any of my 8 personal friends, if a song was on, you know, or we hear a 9 song that had that word, they'll of course skip over it 10 and go to the rest of the lyrics. They wouldn't make it a 11 point to say that word. 12 Q. Understood. 13 But at clubs or other establishments where 14 customers are coming in and the music is played, you would 15 hear them use that word singing along, right? 16 A. Customers? 17 Q. Yes. 18 A. I can't say I heard customers. 19 Q. Okay. So is it your -- 20 A. But I could -- 21 Q. Go ahead. I'm sorry. 22 A. No, I said I'm -- I wasn't paying attention, you 23 know, to the customers singing, I'm pretty sure. Who 24 knows, some customers would, but, I mean, I don't -- I 25 can't say that they would or not.</p>
<p style="text-align: right;">Page 87</p> <p>1 background? 2 A. He's Puerto Rican. 3 Q. About how often would you hear a song that the 4 "N" word would be used? 5 A. Maybe once every few songs. 6 Q. So it wasn't like every song, but it was just in 7 the rotation; it wasn't an uncommon thing? 8 A. Right. 9 Q. Did you ever go -- outside of Foxy's, have you 10 ever gone to clubs who play hip-hop or R&B music? 11 A. Yes. 12 Q. You would agree with me that it's also pretty 13 common to hear the "N" word used in the songs played at 14 those sort of clubs, correct? 15 A. Correct. 16 Q. You would also agree with me that it's not 17 uncommon for the customers of the -- of any club playing 18 that music to sing along? 19 A. I'm sorry. Can you repeat that? 20 Q. You would agree with me it's not uncommon for 21 customers at any club playing music of any sort to sing 22 along? 23 A. Oh, no, that's not uncommon. 24 Q. It's -- and it's not uncommon to hear people 25 singing along and using the "N" word when they are singing</p>	<p style="text-align: right;">Page 89</p> <p>1 Q. And if we look at your complaint, though, 2 starting at 7, what you're really complaining of 3 originally is that you heard the waitresses singing along 4 with the music and using the "N" word? 5 A. Yes. 6 Q. Is it your allegation -- and I know we'll get to 7 talking about one of the managers, but I don't want to 8 talk about Taylor just yet. 9 But any of the other individuals who worked 10 at Foxy's, is it your allegation that any of them ever 11 used the "N" word to address you? 12 A. Oh, yes. 13 Q. Who? 14 A. Ashley did it before. 15 Q. Anyone else? 16 A. You say you didn't want to speak about the 17 managers, but -- 18 Q. Right. We'll talk about Taylor so -- 19 A. Ashley. 20 Q. -- I'm not asking about Taylor right now. 21 Anyone other than Taylor? 22 A. Oh, no, no. Just Ashley. 23 Q. When -- what -- when exactly and how exactly did 24 it happen with Ashley? 25 A. Me and Ashley were actually cool, and I don't</p>

<p style="text-align: right;">Page 90</p> <p>1 know if you understand the -- the lingo between, you know, 2 most African Americans, but you know, I came to work one 3 day, and she was, like: I'm just going to say the word. 4 She was, like: What's up my nigga? Like -- 5 Q. In other words -- 6 A. I looked back like (indicating). 7 Q. And you are welcome to continue that. I just 8 want to make sure I understand. 9 What you're saying is, essentially, she was 10 someone who you were friends with, and she made the 11 mistake that if not -- that is, unfortunately, not all 12 that uncommon of thinking because you're friends, it's 13 appropriate to use the word as a casual greeting? 14 MR. SIMON: Objection. Misstates prior 15 testimony, move to strike, not in evidence. 16 You can answer if you want, Tangala. 17 THE WITNESS: For -- for you to say it's not 18 uncommon, it's -- it's -- I -- like what you mean by that? 19 BY MR. McKAY: 20 Q. What I mean is we -- you are aware -- let me 21 re-ask it. 22 What I'm saying is -- 23 A. Okay. 24 Q. -- she believed that because you were friends, it 25 would be appropriate or acceptable for her to address you</p>	<p style="text-align: right;">Page 92</p> <p>1 BY MR. McKAY: 2 Q. Is that something you personally do or your 3 friends do? 4 A. Of course, my friends do it. I mean, sometimes I 5 may. I try not to do it, but I mean, sometimes I do. 6 Q. Understood. 7 A. But I try not to do it. 8 Q. And it happens that individuals who are friends 9 with you, who are not also of an African American descent, 10 white people or Hispanic people will occasionally think 11 that they are -- that it's okay for them to use the same 12 greeting that two African American individuals would use 13 for themselves. Is that -- 14 MR. SIMON: Objection. 15 BY MR. McKAY: 16 Q. Is that fair? 17 MR. SIMON: Objection, form. 18 THE WITNESS: Correct. 19 BY MR. McKAY: 20 Q. With Ashley, in particular, did you talk to her 21 after she said that? 22 A. Yes. 23 Q. What did you say? 24 A. I told her: Hey, you know, that word coming 25 from, you know, people that aren't African American is</p>
<p style="text-align: right;">Page 91</p> <p>1 in that way. Is that what your perception was? 2 MR. SIMON: Objection. Calls for the 3 witness to speculate. 4 THE WITNESS: Yes. 5 BY MR. McKAY: 6 Q. Was that a "yes"? I'm sorry. It kind of cut 7 out? 8 THE WITNESS: Do I answer that. 9 BY MR. McKAY: 10 Q. You can -- 11 MR. SIMON: Yeah, you can answer it. 12 THE WITNESS: Yes. 13 BY MR. McKAY: 14 Q. And part of the reason -- and why I say not 15 uncommon or why I'm referring to something, it is not 16 unknown, and it is, in fact, relatively common within the 17 community of African American individuals when addressing 18 other people within the community to -- to refer to one 19 another using the "N" word? That doesn't mean you find 20 that acceptable, but that is a -- that is something that 21 happened, correct? 22 MR. SIMON: Objection, form. 23 You can answer. 24 THE WITNESS: Yes, that's something that 25 happened.</p>	<p style="text-align: right;">Page 93</p> <p>1 offensive. 2 Q. And what did she say in response? 3 A. She said: Well, I have black friends, and I say 4 it around them all the time, and they don't have a problem 5 with it. 6 Q. What did you say? 7 A. I just told her: Okay. That's what you do with 8 your friends, but around me, especially at work, I -- I 9 don't want to hear it coming from anybody really. 10 Q. And did she ever address you by that word again? 11 A. No, she didn't say it to me, but she said it -- 12 she made it a point to say it around me. 13 Q. In what way? 14 A. If she was greeting somebody else or speaking to 15 someone, explaining, you know, something to somebody, 16 she'll use that word. It'll come out, like, every other 17 word. 18 Q. Is this what you were talking about in 19 paragraph 9 of your complaint? 20 A. Oh, yes. 21 Q. But she never addressed you again using that 22 word, correct? 23 A. No. 24 Q. Did you go to any of the management to tell them 25 that she was using the -- that word, and that it was</p>

<p style="text-align: right;">Page 94</p> <p>1 uncomfortable to you?</p> <p>2 A. Yes.</p> <p>3 Q. Who did you go to talk about Ashley using that</p> <p>4 word?</p> <p>5 A. I talked to Dan. I kind of told him, you know,</p> <p>6 what was going on.</p> <p>7 Q. You said Dan?</p> <p>8 A. Yes.</p> <p>9 Q. When was that?</p> <p>10 A. I can't remember the exact date. I know it was</p> <p>11 after I talked to her. I can't remember the exact date.</p> <p>12 And he had went out of town, so I remember it was -- he</p> <p>13 had went of town the next day. I forgot where he went. I</p> <p>14 can't remember the exact date.</p> <p>15 Q. You -- you talked to him one time?</p> <p>16 A. Yes, about Ashley saying that word.</p> <p>17 Q. What did he -- what was his response?</p> <p>18 A. Oh, he said: Oh, I'll -- I'll talk to her. You</p> <p>19 know, I know it's a thing, but of course, it's not okay to</p> <p>20 use that word, even if it is in the music. So I was,</p> <p>21 like: Okay. I felt kind of a little bit satisfied with</p> <p>22 his reply.</p> <p>23 Q. And you never went back to him and said: She's</p> <p>24 still using it, correct?</p> <p>25 A. At that point, that didn't occur.</p>	<p style="text-align: right;">Page 96</p> <p>1 A. Okay. And, you know, he asked me: What's up, my</p> <p>2 nigga? And I'm -- I'm like: No. Like, I don't feel</p> <p>3 comfortable with you talking to me like that or you saying</p> <p>4 that. And of course: I'm a slave. My -- I grew up in</p> <p>5 a -- in the urban neighborhood, I got black friends, and</p> <p>6 this and that, and I always say it to them, and I'm just</p> <p>7 like: Okay. Well, I'm not okay with you using that type</p> <p>8 of language towards me. And he basically didn't say</p> <p>9 anything. He was just, like, whatever.</p> <p>10 THE VIDEOGRAPHER: Counsel, I'm sorry to</p> <p>11 interrupt. I've -- I've lost Ms. Carter's video again.</p> <p>12 MR. McKAY: Okay. Ms. Carter, if you could</p> <p>13 just try refreshing again, and that's worked each time so</p> <p>14 far.</p> <p>15 THE VIDEOGRAPHER: Okay. I'm going to --</p> <p>16 let me --</p> <p>17 MR. McKAY: Pat, if you'll just tell me if</p> <p>18 you have it back.</p> <p>19 THE VIDEOGRAPHER: Of course. Not yet.</p> <p>20 THE WITNESS: Nope.</p> <p>21 Do you see me now?</p> <p>22 (Off-record discussion.)</p> <p>23 THE VIDEOGRAPHER: All right. And we are</p> <p>24 still on the record, so whenever you're ready.</p> <p>25 MR. McKAY: You're good, Pat?</p>
<p style="text-align: right;">Page 95</p> <p>1 Q. Let us go back -- so we kind of skipped a</p> <p>2 paragraph. We skipped Taylor. And that was on purpose,</p> <p>3 because I wanted to -- I think, he is going to be a bigger</p> <p>4 part, and I wanted to go around that.</p> <p>5 But let's talk about Taylor now. In</p> <p>6 paragraph 8, you make allegations about Taylor. Would you</p> <p>7 just tell me about that?</p> <p>8 A. Of course, at first me and Taylor, you know, were</p> <p>9 cool. He kind of, you know, knows some people that I</p> <p>10 know, one of them, you know, being, of course, my brother.</p> <p>11 And one day I showed up to work, and he was, like: What's</p> <p>12 up, my nigga? And I'm like: Taylor, like, no. Don't do</p> <p>13 that, please. He's like: Oh, no, I was just kidding</p> <p>14 around. Okay. Well, you know that's just not okay with</p> <p>15 me. And that's basically it.</p> <p>16 Q. You trailed off just at the end there. If you</p> <p>17 could repeat, kind of, the last few words you said.</p> <p>18 A. I'm sorry. What -- what part didn't you hear?</p> <p>19 What was the last part --</p> <p>20 Q. Just go ahead. It -- it may be better to start</p> <p>21 again, because it was a little choppy for me, and I'm not</p> <p>22 100 percent sure I heard it all.</p> <p>23 A. Me and Taylor, of course, was cool. You heard</p> <p>24 that part?</p> <p>25 Q. Yeah, I heard that part.</p>	<p style="text-align: right;">Page 97</p> <p>1 THE VIDEOGRAPHER: Yes. Thank you.</p> <p>2 MR. McKAY: We are back at it.</p> <p>3 BY MR. McKAY:</p> <p>4 Q. We'll talk about Taylor some more. You mentioned</p> <p>5 you had a conversation with Taylor where he -- he -- you</p> <p>6 allege he used the "N" word; you told him you weren't</p> <p>7 comfortable with that, and he responded, essentially, you</p> <p>8 know, he grew up in a -- in a -- in a less well-off area,</p> <p>9 and had a lot of African American friends and thought it</p> <p>10 was okay.</p> <p>11 Is that a fair summary of what you just told</p> <p>12 me?</p> <p>13 A. Correct.</p> <p>14 Q. What did you do next?</p> <p>15 A. At that point, I was, like, okay, well, maybe</p> <p>16 he -- maybe he gets it and -- because most people, I</p> <p>17 have -- I've had where most people be like: Oh, I grew up</p> <p>18 around such and such and won't say it again. So I thought</p> <p>19 that maybe he gets it.</p> <p>20 Q. And it's your allegation he did not?</p> <p>21 A. Oh, no.</p> <p>22 Q. What exactly would occur?</p> <p>23 A. Of course he would still do the: What's up, my</p> <p>24 nigga? You know, he would be explaining: Nigga this,</p> <p>25 or -- or nigga that, and anything nigga, please, and</p>

<p style="text-align: right;">Page 98</p> <p>1 nigga, nigga, nigga. It's like -- it was like that.</p> <p>2 Q. Did you complain about this to any other</p> <p>3 managers?</p> <p>4 A. Oh, yes, I spoke to --</p> <p>5 THE STENOGRAPHIC REPORTER: I didn't get</p> <p>6 that.</p> <p>7 MR. McKAY: Yeah. It cut out right when you</p> <p>8 spoke "to," and then it cut out for me.</p> <p>9 THE WITNESS: I spoke to Tommy.</p> <p>10 BY MR. McKAY:</p> <p>11 Q. And who was Tommy?</p> <p>12 A. He was the general manager.</p> <p>13 Q. Okay. Did you speak to anyone other than Tommy?</p> <p>14 A. No.</p> <p>15 Q. Okay. What was your conversation -- do you</p> <p>16 remember when you spoke to Tommy?</p> <p>17 A. I don't remember exactly when, but of course, I</p> <p>18 know what I spoke to him about.</p> <p>19 Q. What did you talk to him about?</p> <p>20 A. I just basically, you know, went to him and told</p> <p>21 him: Hey, you know, Taylor has been using the "N" word a</p> <p>22 lot, and I'm just not comfortable with playing games.</p> <p>23 Q. What did -- what did Tommy say?</p> <p>24 A. I'll talk to him.</p> <p>25 Q. Did you ever go back to Tommy to say: Taylor had</p>	<p style="text-align: right;">Page 100</p> <p>1 we'll -- we'll talk about it shortly. But --</p> <p>2 A. Okay.</p> <p>3 Q. -- next -- so if we go down to 11, you filed an</p> <p>4 EEOC charge on December 7, 2017; is that correct?</p> <p>5 A. Correct.</p> <p>6 Q. And we -- the notice of that charge did not even</p> <p>7 reach the club until December 21st; is that correct?</p> <p>8 MR. SIMON: Objection.</p> <p>9 THE WITNESS: Correct.</p> <p>10 MR. SIMON: Calls for the witness to</p> <p>11 speculate.</p> <p>12 BY MR. McKAY:</p> <p>13 Q. That's what you've alleged; you -- you've pled</p> <p>14 that the notice reached the club on the 21st of December,</p> <p>15 correct?</p> <p>16 A. Correct.</p> <p>17 Q. Then your next allegation is on December 29th.</p> <p>18 You noticed that the managers were not assigning customers</p> <p>19 to you?</p> <p>20 MR. SIMON: Object to form.</p> <p>21 THE WITNESS: Okay.</p> <p>22 BY MR. McKAY:</p> <p>23 Q. Is that -- is that what's an allegation?</p> <p>24 A. Correct.</p> <p>25 Q. Is that what we talked about earlier when we were</p>
<p style="text-align: right;">Page 99</p> <p>1 not stopped using that word?</p> <p>2 A. At that point, I really felt like nothing was</p> <p>3 going to be done about it, so no.</p> <p>4 Q. And this -- I'll represent to you I have seen --</p> <p>5 you know, some information about that in other parts. But</p> <p>6 that's not -- and so I'm not critiquing. But that's not</p> <p>7 in your allegations in your complaint.</p> <p>8 That's not in the "Facts" section, anything</p> <p>9 about that conversation, is it?</p> <p>10 A. I know it was something. I can't remember what</p> <p>11 it was, but --</p> <p>12 Q. It's in the charges.</p> <p>13 A. -- he talked --</p> <p>14 Q. It's in the charge that we are going to talk</p> <p>15 about. I'm not -- I'm not trying to trip you up. I'm</p> <p>16 just -- I'm just making sure that I'm not missing it.</p> <p>17 A. Oh, okay. Yeah, I know I spoke to him, yeah.</p> <p>18 Q. I -- I understand that. I'm just -- you -- you</p> <p>19 don't see it in the complaint, do you?</p> <p>20 A. No, I don't.</p> <p>21 Q. Okay. Again, that's -- all I'm doing is walking</p> <p>22 through these and -- and part of it, I'm mixing in things</p> <p>23 that I know -- you know, where we led to, but we are just</p> <p>24 walking through this over and over again through the</p> <p>25 different documents. Don't worry if it's not there;</p>	<p style="text-align: right;">Page 101</p> <p>1 talking about the managers waving customers over?</p> <p>2 A. Oh, yeah, it had gotten worse. At that point, it</p> <p>3 was to where I had zero tables, none, not one.</p> <p>4 Q. When we talked about that earlier, you said it</p> <p>5 was about 25 percent of customers?</p> <p>6 A. Uh-huh.</p> <p>7 Q. Was that -- was it 25 percent on the night of</p> <p>8 December 29th?</p> <p>9 A. What -- I'm -- what are you -- what are you</p> <p>10 saying?</p> <p>11 Q. On the night of December 29th, how -- what</p> <p>12 percentage of customers were being assigned to waitresses?</p> <p>13 A. The paying customers?</p> <p>14 Q. I --</p> <p>15 A. (Inaudible.) I just had one customer.</p> <p>16 Q. So you're cutting out a bit, and I can kind -- I</p> <p>17 think I know what you're saying, but I probably need you</p> <p>18 to reanswer it because I bet it's cutting out for Kari as</p> <p>19 well?</p> <p>20 A. Okay.</p> <p>21 MR. McKAY: Kari, tell me if I'm wrong.</p> <p>22 THE STENOGRAPHIC REPORTER: No, you're</p> <p>23 correct. I think there's a TV on in the background or</p> <p>24 something that's interfering also.</p> <p>25 THE WITNESS: I don't have anything playing</p>

<p style="text-align: right;">Page 102</p> <p>1 like that.</p> <p>2 MR. McKAY: Yeah, I don't have anything</p> <p>3 here, so I don't know.</p> <p>4 THE VIDEOGRAPHER: That might be me, but let</p> <p>5 me -- let me try muting and see if that helps.</p> <p>6 THE WITNESS: Okay, yeah, because I can hear</p> <p>7 like a --</p> <p>8 MR. McKAY: And I only hear it every once in</p> <p>9 a while. It's not like it's constant. It's just every</p> <p>10 once in a while.</p> <p>11 THE WITNESS: Yeah, I hear it every once in</p> <p>12 a while too, it's like a do, do, do, some --</p> <p>13 BY MR. McKAY:</p> <p>14 Q. So, Ms. Carter, your -- your allegation -- is</p> <p>15 your allegation that every customer that came in on the</p> <p>16 29th was being assigned to a specific waitress?</p> <p>17 A. Yes.</p> <p>18 Q. And are you saying all of them or just the ones</p> <p>19 that you thought would pay?</p> <p>20 A. All of them. At that -- that night, I didn't get</p> <p>21 one ta- -- I didn't have one table, not one.</p> <p>22 Q. So it's your allegation that for weeks, even</p> <p>23 before you filed your charge, if we just look at -- or</p> <p>24 even -- well, let me step back and re-ask that.</p> <p>25 For weeks --</p>	<p style="text-align: right;">Page 104</p> <p>1 Q. Okay. That was the customer that told you that,</p> <p>2 though, correct?</p> <p>3 A. Yes.</p> <p>4 Q. Any -- any other things you heard from customers</p> <p>5 that night?</p> <p>6 A. No.</p> <p>7 Q. You quit on that evening; we have already talked</p> <p>8 about that, right?</p> <p>9 A. Correct.</p> <p>10 Q. You never did, then, go talk to Taylor about what</p> <p>11 was going on that night, right?</p> <p>12 A. No, I didn't -- I didn't talk to Taylor, no.</p> <p>13 Q. You also never talked to Tommy about that --</p> <p>14 A. No.</p> <p>15 Q. -- what went on, on that night, correct?</p> <p>16 A. Correct.</p> <p>17 Q. The manager on duty that night, was it Dan?</p> <p>18 A. Correct.</p> <p>19 Q. And you talked to Dan briefly, but we've already</p> <p>20 talked -- we've already talked about your conversation,</p> <p>21 correct?</p> <p>22 A. Correct.</p> <p>23 Q. You didn't talk to Placide, did you?</p> <p>24 A. Not that night.</p> <p>25 Q. Did you -- do you allege you did talk to Placide</p>
<p style="text-align: right;">Page 103</p> <p>1 A. Okay.</p> <p>2 Q. -- you -- they -- the managers had been assigning</p> <p>3 most of the good tables to specific waitresses, correct?</p> <p>4 A. Correct.</p> <p>5 Q. And that would have necessarily predated</p> <p>6 December 21st then, correct?</p> <p>7 A. Correct.</p> <p>8 Q. So even before the notice of the charge was</p> <p>9 served, they -- they were doing some of this assigning</p> <p>10 tables to specific waitresses, correct?</p> <p>11 A. Oh, yes.</p> <p>12 Q. And that was the good tables, is your allegation,</p> <p>13 correct?</p> <p>14 A. Correct.</p> <p>15 Q. Then on the 29th, it's your allegation that they</p> <p>16 wouldn't give you any tables?</p> <p>17 A. Correct.</p> <p>18 Q. Who all was there --</p> <p>19 A. I was just standing there, like: Umm, okay.</p> <p>20 Like, literally just standing there.</p> <p>21 Q. Did you try going to any of the tables that were</p> <p>22 sitting down?</p> <p>23 A. Yes.</p> <p>24 Q. And what happened?</p> <p>25 A. We already had somebody taking care of us.</p>	<p style="text-align: right;">Page 105</p> <p>1 on some night?</p> <p>2 A. Correct.</p> <p>3 Q. When was that?</p> <p>4 A. I can't remember exactly when it was because he</p> <p>5 just came from -- seem like he just came out the ground.</p> <p>6 I know for a fact that it was after I had talked to Tommy.</p> <p>7 Q. Okay. And what was the conversation with</p> <p>8 Placide?</p> <p>9 A. Placide was basically telling me: I grew up</p> <p>10 around, you know, Tommy and Taylor, and there's no way</p> <p>11 that they are racist, and I been knowing them for a long</p> <p>12 time, and I was just like: Okay.</p> <p>13 Q. Why did he -- why were you having that</p> <p>14 conversation? Did you go to him? Was he coming to you?</p> <p>15 What --</p> <p>16 A. No, he -- he was -- he came to me. They brought</p> <p>17 him in to specifically, I guess, talk to me and -- and try</p> <p>18 to tell me that -- you know, that he had been hanging</p> <p>19 around there for so long, and he knows them. He grew up</p> <p>20 with them, and they are not racist.</p> <p>21 Q. So they asked him to talk to you to help</p> <p>22 alleviate the situation?</p> <p>23 A. Correct.</p> <p>24 Q. Was that the only time you talked to Placide</p> <p>25 about the -- you know, anything related to these</p>

<p style="text-align: right;">Page 106</p> <p>1 allegations?</p> <p>2 A. Correct.</p> <p>3 Q. And what was your response when he told you that?</p> <p>4 A. I just basically told him: Well, I mean, you're</p> <p>5 telling me this like you're basically trying to convince</p> <p>6 me that I didn't hear what I -- what I heard; I'm not</p> <p>7 going through what I'm going through. You're trying to</p> <p>8 convince me that this didn't happen, which I know it did,</p> <p>9 and you can't convince me that somebody isn't racist if</p> <p>10 someone tells them: Hey, this makes me uncomfortable, and</p> <p>11 they continue to do it. That just proves that they are</p> <p>12 racist.</p> <p>13 Q. What was his response?</p> <p>14 A. He was, like: Oh, I don't think it's like that,</p> <p>15 you know. They are really cool. You know, just really</p> <p>16 trying to convince me, you know, that -- that they are not</p> <p>17 racist.</p> <p>18 Q. Okay. Anything else in that conversation?</p> <p>19 A. No. That was it.</p> <p>20 Q. Then the next few -- and let me pause for a</p> <p>21 second because Kell just disappeared, and it's blue. Blue</p> <p>22 normally means they disconnected. Black normally means</p> <p>23 they turned off the video, so I don't want to go forward</p> <p>24 without your counsel on.</p> <p>25 A. Okay.</p>	<p style="text-align: right;">Page 108</p> <p>1 it's paragraph 24. It's going to be kind of straddling</p> <p>2 page 6 of 8 and 7 of 8.</p> <p>3 A. Okay. 24, okay.</p> <p>4 Q. And these are the different types of damages you</p> <p>5 have pled, and I just want to ask you brief questions</p> <p>6 about each one. Okay?</p> <p>7 A. Okay.</p> <p>8 Q. So past and future lost income, for that, it's my</p> <p>9 understanding you stopped working on December -- you know,</p> <p>10 in December of 2017, but you found a new position.</p> <p>11 When did you find that new position?</p> <p>12 A. That was November of last year.</p> <p>13 Q. Okay. So you weren't working for about a year</p> <p>14 and a half?</p> <p>15 A. Correct.</p> <p>16 Q. And -- but you were receiving SSI benefits during</p> <p>17 that entire time?</p> <p>18 A. Correct.</p> <p>19 Q. Before you worked at Foxy's, you were -- you were</p> <p>20 at Foxy's about six months, right?</p> <p>21 A. Correct.</p> <p>22 Q. In the around three years before Foxy's, you had</p> <p>23 actually only been working one to two days a week at Elks;</p> <p>24 is that true?</p> <p>25 A. Correct.</p>
<p style="text-align: right;">Page 107</p> <p>1 Q. So let's go ahead and go off the record for a</p> <p>2 second.</p> <p>3 THE VIDEOGRAPHER: The time is approximately</p> <p>4 12:42, and we are off the record.</p> <p>5 (Brief recess taken.)</p> <p>6 THE VIDEOGRAPHER: All right. We are back</p> <p>7 on the record. The time is approximately 12:56.</p> <p>8 Counsel, you may proceed.</p> <p>9 BY MR. MCKAY:</p> <p>10 Q. So, Ms. Carter, if we look at paragraphs 13</p> <p>11 through 14 -- actually 12 through 14, that's all just</p> <p>12 talking about the night of December 29th, and we have</p> <p>13 already talked about all of that, correct?</p> <p>14 A. Correct.</p> <p>15 Q. There's not something new that you see in the --</p> <p>16 in those allegations that is something that we haven't</p> <p>17 already talked about in general at least, right?</p> <p>18 A. Correct.</p> <p>19 Q. Okay. Then what I'm going to do is I'm going to</p> <p>20 go ahead and close this. We don't have to worry about the</p> <p>21 specific legal, you know, cause of action and the like.</p> <p>22 I'll deal with that with your attorney. We just need to</p> <p>23 really talk about the facts.</p> <p>24 One thing I do want to talk about, though,</p> <p>25 if we go down to 24 before I close it out, and that --</p>	<p style="text-align: right;">Page 109</p> <p>1 Q. Making 3- to \$400 a week?</p> <p>2 A. Correct.</p> <p>3 Q. And now you're making \$75 a day?</p> <p>4 A. Correct.</p> <p>5 Q. Are you doing five days a week?</p> <p>6 A. No.</p> <p>7 Q. Could you do five days a week?</p> <p>8 A. I could, but other things, you know, kind of --</p> <p>9 life kind of gets in the way little bit.</p> <p>10 Q. I understand. And that's even -- and then</p> <p>11 there's COVID.</p> <p>12 But without COVID, you, in theory, could do</p> <p>13 it, but you're not right now?</p> <p>14 A. Oh, yeah, no, not right now.</p> <p>15 Q. So that's really all the earnings, wages, all</p> <p>16 that, we'll deal with all that.</p> <p>17 Did you have any benefits when you were</p> <p>18 working as a server at Foxy's?</p> <p>19 A. No.</p> <p>20 Q. There's pleadings for other pecuniary losses.</p> <p>21 Do you personally know of any as we sit</p> <p>22 here, any pecuniary losses that you lost other than the</p> <p>23 income?</p> <p>24 A. Yes.</p> <p>25 Q. What is that?</p>

<p style="text-align: right;">Page 110</p> <p>1 A. I lost my vehicle. I had to, you know, sell a 2 few things at the pawn shop. I almost got kicked out of 3 my apartment. I just had to scale back on a lot.</p> <p>4 Q. What was your vehicle?</p> <p>5 A. I had Fiat, a 2016 Fiat.</p> <p>6 Q. And what did you do with it?</p> <p>7 A. I let -- I had to let it go back.</p> <p>8 Q. So you just stopped paying on it?</p> <p>9 A. I couldn't afford to continue paying on it. When 10 I lost that income, I couldn't afford to continue paying.</p> <p>11 Q. Did you ever go back to the Elks Lodge and see if 12 you can get a job back there?</p> <p>13 A. Yes. I -- actually, I can go back. Well, due to 14 COVID, you know, they have a -- the codes and all that 15 kind of stuff, so I can go back, but when I went back, I 16 mean, it wasn't like it used to be, so...</p> <p>17 Q. Does that mean you did go back for a short period 18 of time?</p> <p>19 A. Yeah. But it wasn't --</p> <p>20 Q. When was that?</p> <p>21 A. It was maybe a week or so after Foxy's, but I -- 22 it was -- yeah, I did one day, and like -- we know you're 23 not used to this, so, yeah, it wasn't enough to really do 24 anything.</p> <p>25 Q. Are there any other places that you worked for a</p>	<p style="text-align: right;">Page 112</p> <p>1 on me today is -- is something that I have to live with 2 for the rest of my life.</p> <p>3 When I step into an establishment, the first 4 thing I think is: Okay. It's majority Caucasian people 5 in here. Are they going to look at me a certain way 6 because I am African American? Or are they going to treat 7 me different because I'm African American.</p> <p>8 And I -- I've -- I actually face that. You 9 know, I go somewhere, going to a store or something like 10 that, it just set me back, especially in my mind: Am I 11 good enough? Am I -- you know, am I worthy enough?</p> <p>12 It's -- and I'm not going to apologize. It 13 broke me down, and it made me think about a lot, and it 14 made me analyze a lot of things. And I would never ever 15 be okay with what happened. That is not okay. It's not. 16 I don't care if you grew up in a African American 17 household, that is not okay. Especially when someone 18 tells you, that's offensive to me, and then to treat me 19 like: Oh, okay, well it doesn't. Like, I feel like I was 20 nothing, like...</p> <p>21 And I'm not apologizing. These are my tears 22 because this is my pain. This is something I have to deal 23 with every day, ever day. I can't take this off. This is 24 what I was born with, and nobody is going to treat me 25 differently because of it. Nobody's going to treat my</p>
<p style="text-align: right;">Page 111</p> <p>1 short period of time that we haven't talked about after 2 Foxy's?</p> <p>3 A. No.</p> <p>4 Q. So it's just Elks club and then your current 5 position?</p> <p>6 A. Correct.</p> <p>7 Q. You've pled emotional pain and suffering. 8 Can you just describe the factual basis, 9 what -- what exact emotional pain and suffering you've 10 suffered?</p> <p>11 A. Oh, I don't -- I don't -- emotionally, I don't 12 know if I can explain this to where y'all could understand 13 and I -- and I really want to -- want to break this down.</p> <p>14 Emotionally, that -- that did a lot to me, 15 as just from a person. When you have to face something 16 like that, especially behind something that you can't 17 change, like the color of your skin, like, that did a lot 18 to me. I was having stomach issues. I didn't want go 19 anywhere. If I did go somewhere, you know, I had to watch 20 how I expressed myself around people so they won't look at 21 me a certain way or say that -- put me in the angry black 22 woman category. You know, I didn't want my daughter to go 23 anywhere. So, you know, just -- just in case someone 24 would say something like that to her or treat her like 25 that, like, the emotional toll that it took, and it takes</p>	<p style="text-align: right;">Page 113</p> <p>1 child different, my grandson. That's why I'm sitting here 2 in front of you because it's not right. It's not. And it 3 breaks people down. It breaks them down because they are 4 being judged by something that can't change. I cannot 5 change.</p> <p>6 I'm sorry.</p> <p>7 Q. You're -- you're fine. You answer how you need 8 to answer, and you take as long as you need.</p> <p>9 A. It's just hard to -- to talk about it, but it has 10 to be -- no matter how uncomfortable it is, people have to 11 know, especially when you're in a work setting, this is 12 not -- that's not how you help me. That's not what you 13 do. I don't care if the -- the song is played a million 14 times, it's not okay for you to say it, especially when 15 you're making somebody feel uncomfortable.</p> <p>16 I just felt like I wasn't worthy, like I -- 17 like no matter what I did, it just wasn't enough. It 18 wasn't good enough, so I mean, I -- I just didn't want to 19 be around people and -- and let's just be real here, I -- 20 I really didn't want to be around Caucasian people. Why? 21 So y'all could treat me this way? No.</p> <p>22 It hurts. It hurt -- it's hurtful. It 23 hurts. It really, really hurts.</p> <p>24 Q. Anything else or -- I -- I want to give you all 25 the time you need.</p>

<p style="text-align: right;">Page 114</p> <p>1 A. I mean, we can go on and on and on and on and on</p> <p>2 I could write a book, but, I mean, emotionally, you can</p> <p>3 see I'm scarred, and that -- that feeling never ever goes</p> <p>4 anywhere. It's part of your character and how you handle</p> <p>5 things and how you deal with people in certain situations,</p> <p>6 and I don't necessarily want it to be -- become a bad</p> <p>7 thing. I want it to become something good. I want it --</p> <p>8 I want it to be something that I can say: Hey, I overcame</p> <p>9 that, and I want to make sure that that doesn't happen in</p> <p>10 Foxy's or -- or anywhere.</p> <p>11 Q. I'm going to close this now and move to the</p> <p>12 charge. You just tell me whenever you're ready to</p> <p>13 continue.</p> <p>14 A. You can go ahead.</p> <p>15 Q. Just tell me when that comes up. I know it takes</p> <p>16 your end just a minute usually.</p> <p>17 A. Okay. Okay. I can see it.</p> <p>18 Q. Okay. You'll probably have to increase the size</p> <p>19 because this one is even smaller print.</p> <p>20 A. Yes, sir.</p> <p>21 Q. This charge was filed on 12/6/2017. Do you see</p> <p>22 that?</p> <p>23 A. Yes.</p> <p>24 Q. And if you go down to page 3, there's a second</p> <p>25 charge filed on 12 -- or filed on 2/1/18. Do you see</p>	<p style="text-align: right;">Page 116</p> <p>1 A. Correct.</p> <p>2 Q. There's -- and we didn't really talk about this.</p> <p>3 It was in there. There's a -- a paragraph talked about a</p> <p>4 customer who heard Mr. Ratcliff use the word and you</p> <p>5 became upset.</p> <p>6 Can you tell me about that?</p> <p>7 A. Correct. It was just, you know, of course, one</p> <p>8 night, Taylor was speaking to someone else, the outside --</p> <p>9 you know, the customer that, you know, heard him talking</p> <p>10 like that. And he was explaining something to the guy,</p> <p>11 and you know, of course he was saying, you know, acting</p> <p>12 like a nigga, and the customer was just looking like:</p> <p>13 Okay.</p> <p>14 So by this time, I walked up to him, and</p> <p>15 I'm, like: Hey, you know, are you good? You know,</p> <p>16 whatever the case may be, and he's like: What's going on</p> <p>17 right here? Like, what is this? And I'm just, like:</p> <p>18 Hey, that's just what they do. You know, I -- I tried to</p> <p>19 say something about it, and he was just, like -- when he</p> <p>20 heard it again, he was like: No, and I kind of had to,</p> <p>21 like, hold his chest, like calm down, like that ain't</p> <p>22 going to get you nothing but kicked out. Ain't no telling</p> <p>23 what they are going to do to you, so just calm down.</p> <p>24 Like, of course we don't like them saying it, but I mean,</p> <p>25 this is their establishment, ultimately. Like, if you get</p>
<p style="text-align: right;">Page 115</p> <p>1 that?</p> <p>2 A. Let me see. What page are we on again? 12 --</p> <p>3 2/1/18 -- let me see. No, I don't see -- okay, yeah, I</p> <p>4 see it. I see it.</p> <p>5 Q. So there's two different charges that were filed</p> <p>6 in this case. Do you -- are you aware of that?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. So the first charge, the one that we</p> <p>9 talked about in your complaint already, correct?</p> <p>10 A. Correct.</p> <p>11 Q. And it -- if you read the first paragraph, or the</p> <p>12 first two paragraphs, those track the same -- those are</p> <p>13 the same as your complaint, right?</p> <p>14 A. Correct.</p> <p>15 Q. So not really anything else more for us to talk</p> <p>16 about -- about those; is that fair?</p> <p>17 A. Correct.</p> <p>18 Q. Then the third paragraph -- I'm not sure if this</p> <p>19 was in the complaint, but it -- it does say that -- that</p> <p>20 the incident with Mr. Ratcliff, the discussion, that was</p> <p>21 in your first month, so that would have been in June,</p> <p>22 maybe July, in 2017; is that correct?</p> <p>23 A. Correct.</p> <p>24 Q. Then there's the discussion about the incident</p> <p>25 with Ashley using the word in October of 2017?</p>	<p style="text-align: right;">Page 117</p> <p>1 into it with him, they going to kick you out. You might</p> <p>2 go to jail. So just -- just chill. And he was like: No,</p> <p>3 that ain't -- that ain't cool. That's not cool at all.</p> <p>4 Why -- like: Why are you even working here? That ain't</p> <p>5 cool.</p> <p>6 Q. Is this -- do you know who -- this customer, do</p> <p>7 you know who it is?</p> <p>8 A. I forgot his name. He is somebody I would see,</p> <p>9 like, often, but I don't, like -- I'm pretty sure he told</p> <p>10 me his name, but I can't remember.</p> <p>11 Q. To your knowledge, did that customer or you ever</p> <p>12 talk to Mr. Ratcliff or any of the managers about that?</p> <p>13 A. No.</p> <p>14 Q. You allege in the next paragraph that the -- the</p> <p>15 African American employees were made to do more menial</p> <p>16 work. Tell me about that allegation.</p> <p>17 A. Oh, yeah, we were made to -- they had, like,</p> <p>18 let's see -- can y'all see this (indicating)?</p> <p>19 Q. Kind of.</p> <p>20 A. Okay. Can -- can you see it now? It's like a</p> <p>21 air-freshener thing.</p> <p>22 Q. Okay.</p> <p>23 A. I'm going to get to the example. They had</p> <p>24 candles kind of like this, and you can twist it and take</p> <p>25 the top off of it, so we were made to take -- actually</p>

<p style="text-align: right;">Page 118</p> <p>1 take the top off of the -- the candle thing, this part 2 right here (indicating) was glass. They would make us sit 3 and wipe them one by one while the -- while the -- of 4 course the other white waitresses were making money or 5 sitting down or drinking with their friends, which are 6 customers.</p> <p>7 They would tell us to clean the chairs, like 8 the actual chairs. They would make us, you know, get a 9 rag, and they had, like, a little spray bottle, and they 10 would actually make us clean the chairs while the white 11 waitresses were sitting down, counting their tips or 12 talking or outside even.</p> <p>13 Q. And it's your allegation that only the African 14 American servers were required to do this, and the white 15 servers or the Hispanic servers were not?</p> <p>16 A. Well, the Hispanic servers, of course, they had 17 to do it too, but the -- the -- we would notice that the 18 Caucasian servers, they would do one and do this, barely 19 put it on there and walk off and do whatever they are 20 doing, and we are like: Okay. We thought everybody was 21 supposed to be doing this. And they'll go outside, or: 22 I'm going to get something to eat, or I'm doing this, or 23 I'm doing that and -- we are like: Okay. We are all 24 supposed to be doing this. And nobody would tell you 25 anything. Or the managers: Aren't we all supposed to be</p>	<p style="text-align: right;">Page 120</p> <p>1 A. Almost every time on her shift. 2 Q. What exactly happened? 3 A. She refused to, you know, do the little -- I 4 don't know, side jobs, the necessary side jobs. They will 5 be, like: We are going to have to do it. Why are you 6 acting stupid? And: You're going to get written up. 7 And, you know, they usually just take, like, your days 8 from you. Like, the busy days, they will just say you 9 can't work that day.</p> <p>10 Q. Are -- when exactly did that occur, and how 11 exactly, though? I'm not sure I understand. 12 A. What -- not understand what? 13 Q. When did this incident with -- like every time 14 Kiara would work, I don't understand. 15 A. It's most of the time when she worked, like, 16 during her shift, like, at the end of the night, if we 17 were made to do the little ashtray things or whatever, the 18 little candle things, whenever she refused to do, like, 19 they would talk to her, like, reckless and crazy.</p> <p>20 Q. What do you mean when she would refuse? Would 21 she go and say: I'm not going to do that? 22 A. Yeah. Like, she was, like, I'm not doing it 23 because they're not doing it. Like, why should I have to 24 do it if they're not doing it? Well, we told you to do 25 it. We're the managers, and this and that, and she is,</p>
<p style="text-align: right;">Page 119</p> <p>1 cleaning up?</p> <p>2 Q. Did you ever just not do it, then?</p> <p>3 A. I mean, it was my job, so of course I did it. 4 Sometimes I didn't. Like, I'm going to be honest. 5 Sometimes I was, like: If they're not doing it, I'm not 6 doing it. Like: Why should I be forced to do something 7 that they're not doing? And actually, me and Kiara was, 8 like: No, we're not doing it.</p> <p>9 Q. And what happened when you did that?</p> <p>10 A. Oh, they -- they had us some sort of meeting 11 stating that: Oh, you know, this is the duties for 12 everybody, and we even said like: Okay. Well, everybody 13 needs to do it.</p> <p>14 Q. Did they agree with that?</p> <p>15 A. Yeah, they agreed, but did it happen? No.</p> <p>16 Q. You were never -- you were never disciplined, 17 though, or written up, or given a verbal warning about 18 when you didn't do it, correct?</p> <p>19 A. Not that I know of.</p> <p>20 Q. Are you aware of anyone getting any verbal or 21 written warnings about not doing their share of the work?</p> <p>22 A. Oh, yes.</p> <p>23 Q. Who -- who did that occur to?</p> <p>24 A. Kiara.</p> <p>25 Q. When did that occur?</p>	<p style="text-align: right;">Page 121</p> <p>1 like: Okay. Well, we're all supposed to be doing it. We 2 are all waitresses.</p> <p>3 And I think they would more so talk to her 4 like that, because, I don't know, she -- I don't know if 5 she didn't really too much speak up for herself, but I 6 mean, they kind of knew that I wasn't young like that. So 7 you know, I kind of had a voice for myself. But they -- 8 they used to really, really talk to her like really, 9 really bad.</p> <p>10 Q. Did you -- you never had a conversation like that 11 with them? They never came to you and -- and criticized 12 you, though, correct?</p> <p>13 A. Well, I -- a few times, they would be like: Hey, 14 can you do this? And I'm like: Okay. Well, I did a few. 15 I'm not the only waitress here, so, you know, they can do 16 the -- the rest.</p> <p>17 Q. And what did they say?</p> <p>18 A. Okay. Well, it just has to get done before 19 everybody can leave, no matter who's doing it.</p> <p>20 Q. And which exact managers do you allege were part 21 of these conversations with the two --</p> <p>22 A. Oh, it would be mainly Taylor and Dave.</p> <p>23 Q. Next, it's the November 4th, you talked to Tommy. 24 That's -- we've already talked about that, correct?</p> <p>25 A. Correct.</p>

<p style="text-align: right;">Page 122</p> <p>1 Q. Do you have anything else to add about that</p> <p>2 conversation?</p> <p>3 A. Now, what page are we on? I'm sorry.</p> <p>4 Q. Page 2.</p> <p>5 A. Oh, okay.</p> <p>6 Q. And starts on November 4.</p> <p>7 A. And that's Exhibit 2, right?</p> <p>8 Q. Yes.</p> <p>9 A. Okay. Now I see it. Look -- remember, I can't</p> <p>10 see the other numbers, so I see 4 of 4.</p> <p>11 Q. Okay. Yes. Yes?</p> <p>12 A. Yeah, I can see the other little numbers.</p> <p>13 Q. So on November 4 is a discussion about Tommy, and</p> <p>14 we've talked about that, correct?</p> <p>15 A. Correct.</p> <p>16 Q. Anything more you can think of while we are</p> <p>17 sitting here about that conversation that we haven't</p> <p>18 talked about?</p> <p>19 A. No, not that I can think of.</p> <p>20 Q. Then there's November 7th, that's when your hours</p> <p>21 had been cut. We talked about that a little bit, correct?</p> <p>22 A. Correct.</p> <p>23 Q. Is that when you allege you went down from five</p> <p>24 days to three?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 124</p> <p>1 A. Yes, I did.</p> <p>2 Q. What did he say?</p> <p>3 A. He -- he just told me: I'll get back with you.</p> <p>4 That was it.</p> <p>5 Q. Okay. And before you quit, you didn't have</p> <p>6 another conversation about it?</p> <p>7 A. No.</p> <p>8 Q. The next paragraphs, they are not dated, but</p> <p>9 since I made the report to Mr. Perkins, and there's</p> <p>10 discussion. Is that -- that's the sort of thing we have</p> <p>11 already talked about with Taylor using it.</p> <p>12 And the only other employee other than</p> <p>13 Taylor that you can specifically remember using it was</p> <p>14 Ashley; is that fair?</p> <p>15 A. Yeah, Ashley and Erica.</p> <p>16 Q. Erica?</p> <p>17 A. Correct.</p> <p>18 Q. What do you remember with Erica?</p> <p>19 A. Oh, she -- it was one specific time, I was</p> <p>20 working at the bar, and -- Ashley and Erica were friends,</p> <p>21 and it was one specific time I was working at the bar, I</p> <p>22 guess Ashley told Erica, you know, that I had had a</p> <p>23 conversation with her about the "N" word, and I'm</p> <p>24 literally standing at the bar right here. Erica comes up</p> <p>25 singing a song, and she is: Nigga, nigga, nigga, nigga.</p>
<p style="text-align: right;">Page 123</p> <p>1 Q. And it's your allegation that Mr. Thomas told you</p> <p>2 that you had posted something on Facebook about the club</p> <p>3 and about racial discrimination, and that's why your hours</p> <p>4 were cut?</p> <p>5 A. Correct.</p> <p>6 Q. You had not filed a EEOC charge on -- by</p> <p>7 November 7th, though, correct?</p> <p>8 A. Correct.</p> <p>9 Q. And you -- you agree that you did post something</p> <p>10 negative about the club on social media for the public,</p> <p>11 correct?</p> <p>12 A. It wasn't negative. It didn't even have their</p> <p>13 name in it.</p> <p>14 Q. What exactly did you post?</p> <p>15 A. It was something along the lines that when people</p> <p>16 are racist, and they think they can get away with stuff,</p> <p>17 but they can't. That was all it said, and they took it as</p> <p>18 I was talking about them. So just like my grandmother</p> <p>19 used to say: A hit dog will holler. So if they took that</p> <p>20 towards them, I didn't say any names, I didn't say the</p> <p>21 club, I didn't say anything like that. They took that and</p> <p>22 put it on them. I could have been talking about anything.</p> <p>23 Q. Did you ask Dave about being able to work more</p> <p>24 hours or more time getting back to your five-day-a-week</p> <p>25 shift?</p>	<p style="text-align: right;">Page 125</p> <p>1 I opened my face like this, like (indicating), and I'm</p> <p>2 like: Okay. That's kind of threatening.</p> <p>3 Me and her have -- have really kind of, you</p> <p>4 know, had words, and when you get in somebody face doing</p> <p>5 this, nigga, nigga, you know, that's kind of, you know,</p> <p>6 aggressive to me so...</p> <p>7 Q. Did you tell any of the managers about this</p> <p>8 incident?</p> <p>9 A. I knew -- I had -- at that point, I had knew</p> <p>10 nothing was going to be done about it, so...</p> <p>11 Q. So no?</p> <p>12 A. No.</p> <p>13 Q. It dropped off just a little bit.</p> <p>14 A. Oh, no.</p> <p>15 Q. You allege that Mr. Perkins was acting rudely to</p> <p>16 you, knocking your phone out of your hand, and bumping</p> <p>17 into you.</p> <p>18 When exactly did that occur?</p> <p>19 A. It was, I want to say, like, about a week before</p> <p>20 I quit, I want to say roughly. The club, at that time, it</p> <p>21 wasn't that crowded. I was, you know, standing there -- I</p> <p>22 usually check, you know -- because I have a daughter, so I</p> <p>23 usually, you know, check my messages and stuff before I</p> <p>24 start working, and he walked by me so close, I -- I know</p> <p>25 he felt like knocking my phone out my hand, and I was,</p>

<p style="text-align: right;">Page 126</p> <p>1 like -- and he just kept walking. I was, like: Wow, 2 okay. There's nobody next to me; there's nobody in front 3 of me; there's nobody behind me. Like: Why would you 4 walk that close to me? 5 Q. Did you talk to anyone about this incident? 6 A. No. At that point, it was just -- I already knew 7 what was going on, and there was no need for me to -- it's 8 like -- it was just like talking to a brick wall. Like, I 9 already knew that there was -- there was nothing going to 10 be done. 11 Q. And that's the end of the factual allegations in 12 this charge. Do you see that? 13 A. Correct. 14 Q. So if we go to the next page, there's the second 15 charge. 16 A. Okay. 17 Q. You see it? 18 A. Correct. 19 Q. And then that talks about the December 29th 20 incident? 21 A. Okay. 22 Q. Do you see that? 23 A. Correct, uh-huh. 24 Q. And we have already talked about all of these 25 things, correct?</p>	<p style="text-align: right;">Page 128</p> <p>1 information obtained establishes violations of the 2 statutes, correct? 3 A. Correct. 4 Q. You received these from the EEOC, correct? 5 A. Correct. 6 Q. Once you received them, after that, at some 7 point, you filed the lawsuit, correct? 8 A. Correct. 9 Q. Did you follow up with the EEOC about these 10 determinations? 11 A. I can't remember. Oh, it went away. 12 Q. I -- I closed it. 13 A. Oh. I was like: Wait a minute. What did I do? 14 I'm sorry. 15 Q. Did you -- did you, at any point, before the 16 determinations, did you have a chance to talk to the 17 investigator or anyone with the EEOC? 18 A. No. 19 Q. You just submitted -- I apologize. 20 You just submitted your written charges, and 21 then they did whatever they do? 22 A. Correct. 23 Q. They didn't reach out to you for any -- to your 24 knowledge, because you did have an attorney, they didn't 25 reach out to you, to your knowledge, for any</p>
<p style="text-align: right;">Page 127</p> <p>1 A. Correct. 2 Q. I'm going to close this. 3 A. Okay. 4 (Exhibit 3 was marked for identification.) 5 BY MR. McKAY: 6 Q. Tell me Exhibit 3 comes up for you. 7 A. Okay. I got it. 8 Q. And do you see that this is -- and it's actually 9 two different ones, I believe -- yeah -- let me make sure 10 the numbers. Yes. 11 If you look at the top left, they are EEOC 12 charge numbers and there's two different charge numbers on 13 the two different pages. Do you see that? 14 A. EEOC charge, okay, give me just a second to 15 scroll on down. Yes. 16 Q. So if you look at the charge -- these -- these 17 are documents that were issued by the EEOC on March 11, 18 2019, correct? 19 A. Correct. 20 Q. As a result of their investigation, they made a 21 determination in both of the char- -- in both of the 22 cases, correct? 23 A. Correct. 24 Q. And the determination was that, based upon its 25 investigation, the EEOC is unable to conclude that the</p>	<p style="text-align: right;">Page 129</p> <p>1 clarification, anything like that? 2 A. No. 3 Q. Have you had an occasion to review the affidavits 4 that were submitted by Taylor, Tommy, and Placide? 5 A. I saw them a little bit. Like, I was able to go 6 over it a little bit. 7 Q. I'll go ahead -- I don't think I'll have many 8 questions about them. 9 A. Okay. 10 (Exhibit 4 was marked for identification.) 11 BY MR. McKAY: 12 Q. But let me go ahead and mark them and show you. 13 I'll start with Taylor. 14 A. Okay. 15 Q. And the only thing really is, in paragraph 3, he 16 denies that he used the "N" word or directed it at you. 17 You would disagree with that, correct? 18 A. Strongly disagree. 19 Q. For the reasons we have already talked about, 20 though, correct? 21 A. Correct. 22 Q. Okay. Let me mark Tommy's. 23 (Exhibit 5 was marked for identification.) 24 BY MR. McKAY: 25 Q. If you read paragraph 3, he describes his</p>

<p style="text-align: right;">Page 130</p> <p>1 recollection of your interaction with him when you were --</p> <p>2 reported issues?</p> <p>3 A. Correct.</p> <p>4 Q. If you'll read paragraph 3, it says that -- that</p> <p>5 you reported that Taylor was using a racially charged</p> <p>6 word, but to the best of his rec- -- recollection, you</p> <p>7 didn't provide the context or state how it was used, and</p> <p>8 she -- and you requested that he discuss with Taylor; is</p> <p>9 that correct?</p> <p>10 A. Some of it is correct.</p> <p>11 Q. What do you disagree with?</p> <p>12 A. The part where you say: She could not provide a</p> <p>13 context or state how the word was used.</p> <p>14 Q. What do you believe you said?</p> <p>15 A. I told him exactly what I told you guys.</p> <p>16 Q. Okay.</p> <p>17 A. How he used the word.</p> <p>18 Q. He said that he told you he would discuss it with</p> <p>19 Taylor; is that correct?</p> <p>20 A. Correct.</p> <p>21 Q. He then says he spoke with Taylor five to ten</p> <p>22 minutes later and counseled Taylor against using that</p> <p>23 word, and even though it's on the music, don't sing along.</p> <p>24 Do you have any reason to disagree or</p> <p>25 disbelieve that Tommy did that?</p>	<p style="text-align: right;">Page 132</p> <p>1 y'all talked?</p> <p>2 A. I'm sorry.</p> <p>3 Q. And I'm not saying you agree with what he's</p> <p>4 saying. What I'm -- what I'm asking is --</p> <p>5 A. Yeah. Yeah -- yeah, that's -- yes, I'm sorry,</p> <p>6 that's what we talked about. Yeah, I didn't agree with</p> <p>7 it, but yeah, that's what he told me.</p> <p>8 Q. Understood.</p> <p>9 So he's never -- this -- this affidavit is</p> <p>10 consistent with what he told you; you just disagree with</p> <p>11 what he -- with what he -- with what his position is?</p> <p>12 A. Yes. I'm sorry. I just can't -- it's just</p> <p>13 something that's sitting in my spirit.</p> <p>14 Q. Uh-huh.</p> <p>15 A. That -- is it okay for me to -- can we go back</p> <p>16 to -- to Tommy's?</p> <p>17 Q. Absolutely.</p> <p>18 A. Let me see. Is it okay --- I ask my attorney.</p> <p>19 THE WITNESS: Is it okay for me to -- to say</p> <p>20 something?</p> <p>21 MR. SIMON: You can say whatever you want.</p> <p>22 It's your deposition.</p> <p>23 THE WITNESS: Okay. I'll just -- I just</p> <p>24 want to say this: After I talked to Tommy, at the end of</p> <p>25 the day, if -- I feel like if -- if you actually told him:</p>
<p style="text-align: right;">Page 131</p> <p>1 A. Yes.</p> <p>2 Q. Why do you have a reason to disbelieve that?</p> <p>3 A. Because he still used it. I still don't -- he</p> <p>4 still made sure I heard him say that word.</p> <p>5 Q. But you don't know -- you weren't there, and you</p> <p>6 don't know whether Tommy did tell him not to, correct?</p> <p>7 A. Yes. I have no idea, correct.</p> <p>8 Q. And you never went back to Tommy and said: He is</p> <p>9 still using the word, correct?</p> <p>10 A. Correct.</p> <p>11 Q. I'll go ahead and go to Placide now.</p> <p>12 (Exhibit 6 was marked for identification.)</p> <p>13 BY MR. McKAY:</p> <p>14 Q. I have marked Placide's as 6.</p> <p>15 Is that up for you?</p> <p>16 A. Yes.</p> <p>17 Q. And he is just saying, his perception, that he</p> <p>18 has not seen race being used as a -- as a determiner in</p> <p>19 how employees are treated.</p> <p>20 Do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. Is that consistent with what he told you when you</p> <p>23 discussed the issue?</p> <p>24 A. No.</p> <p>25 Q. You're saying that's not what he told you when</p>	<p style="text-align: right;">Page 133</p> <p>1 Hey, you know, she feels uncomfortable with you -- with</p> <p>2 you saying this word, why would you proceed to say it?</p> <p>3 That's just like telling a -- a child: If you do this</p> <p>4 again, I'm going to take your -- your PlayStation away.</p> <p>5 They are going to know not to do that because they're --</p> <p>6 they are going to want to keep their PlayStation to play</p> <p>7 with, so they are going to know not to do that again.</p> <p>8 If Tommy indeed took the -- took the general</p> <p>9 manager's role and said: Hey, you know, even if it's in</p> <p>10 the music, you cannot say that, you know, I understand you</p> <p>11 do it outside of work or whatever the case may be, but</p> <p>12 being that I am the manager of this company, I cannot</p> <p>13 allow you to say that, especially when it offends someone.</p> <p>14 If he, in fact, actually did that, then Taylor wouldn't</p> <p>15 have continued saying the word, whether he was singing</p> <p>16 them or talking to, you know, someone else or -- or</p> <p>17 addressing someone else. He still made sure I heard him</p> <p>18 say that word, even after I -- I spoke to Tommy. That's</p> <p>19 how I feel like I know that Tommy maybe mentioned</p> <p>20 something, but I'm pretty sure he didn't say it in that</p> <p>21 context. I just wanted to say that. That was just</p> <p>22 sitting on my heart to say that.</p> <p>23 BY MR. McKAY:</p> <p>24 Q. And I understand that. And I'm glad to have you</p> <p>25 say whatever you need to say.</p>

<p style="text-align: right;">Page 134</p> <p>1 But -- but at the end of the day, you</p> <p>2 weren't part of that conversation, and you don't know what</p> <p>3 was said?</p> <p>4 A. Of -- of course.</p> <p>5 Q. And you -- you started by talking about children.</p> <p>6 I got -- I have a six-year-old and a four-year-old. I</p> <p>7 know how many times I have told my children not do</p> <p>8 something; they say they won't do it, and then they</p> <p>9 immediately go back and do it. And that's how -- some</p> <p>10 people just do that, right?</p> <p>11 A. Okay. Yeah, that's some people, but most</p> <p>12 children, if you take something away from them or threaten</p> <p>13 to take something away -- I got a nephew, I say: Hey, you</p> <p>14 better stop, or I'm going to take your game. He is -- you</p> <p>15 would think he was a angel that fell out of the sky</p> <p>16 because they wants to get on Fortnite and be able to talk</p> <p>17 to his friends, so he is not going to do -- that's --</p> <p>18 that's what I was saying when I brought up, you know,</p> <p>19 children.</p> <p>20 If he knew that his job will be at stake,</p> <p>21 you see what I'm saying, if he was to do -- continue these</p> <p>22 actions, then he would have stopped doing it.</p> <p>23 Q. But you never went back to Taylor -- or I mean,</p> <p>24 you never -- sorry.</p> <p>25 You never went back to Tommy to talk to him</p>	<p style="text-align: right;">Page 136</p> <p>1 me and told me -- I am under oath -- that man told me:</p> <p>2 Tommy is more African American than you are. I was like:</p> <p>3 Oh, wow. Oh...</p> <p>4 Q. That was the DJ who told you that?</p> <p>5 A. Yes. I don't know where that came from, but he</p> <p>6 told me: Tommy is more African American than I am, and</p> <p>7 that -- those were his words, and I quote that.</p> <p>8 Q. This is the person who was your friend, right?</p> <p>9 A. Yes, who was supposed to be my friend.</p> <p>10 Q. When did this occur?</p> <p>11 A. This occurred maybe -- maybe, like, a week or so</p> <p>12 after I talked to Tommy.</p> <p>13 Q. So let me pull up the dates.</p> <p>14 So that would have been, kind of, the second</p> <p>15 week of November, plus or minus?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And you don't know the context of why he</p> <p>18 did that?</p> <p>19 A. Of course, I'm pretty sure -- because I don't</p> <p>20 even know how he'd know about, you know, what I discussed</p> <p>21 with Tommy, and he came up to me and he was like: You</p> <p>22 know, you need to chill and this and that, and Tommy is</p> <p>23 more African American than you. And I'm like: How are</p> <p>24 you going to tell somebody that's African American that</p> <p>25 somebody that's not African American is more African</p>
<p style="text-align: right;">Page 135</p> <p>1 again, so you don't know what would have happened?</p> <p>2 A. Why -- why would I continue to keep saying the</p> <p>3 same thing over and over again? Like, that's not --</p> <p>4 that's --</p> <p>5 Q. But what Tommy told you is he would put a stop to</p> <p>6 it; he would talk to the guy and tell him to stop doing</p> <p>7 it, correct?</p> <p>8 A. Correct. And --</p> <p>9 Q. So the last he knew from you is that he had that</p> <p>10 conversation with Taylor, and it stopped?</p> <p>11 A. No, he knew it didn't stop.</p> <p>12 Q. How do you say that?</p> <p>13 A. Trust me, he knew it didn't stop. He knew it</p> <p>14 didn't. (Inaudible).</p> <p>15 Q. Do you have any occasion where you saw Tommy</p> <p>16 there where he could hear it, and he heard Taylor using</p> <p>17 that word?</p> <p>18 A. Millions.</p> <p>19 Q. So it's your allegation that Tommy would just be</p> <p>20 standing there, would hear it, and wouldn't do anything</p> <p>21 about it?</p> <p>22 A. Be -- sometimes being a part of the conversation.</p> <p>23 Wow.</p> <p>24 And I was even told -- let's put this on the</p> <p>25 record, I'm sorry -- the -- the DJ, Sleepy, he came up to</p>	<p style="text-align: right;">Page 137</p> <p>1 American than them?</p> <p>2 Q. And -- and that DJ, you said, he was Puerto</p> <p>3 Rican?</p> <p>4 A. Yes.</p> <p>5 Q. Do you tell anyone about that conversation?</p> <p>6 A. I told my daughter.</p> <p>7 Q. Anyone at the club?</p> <p>8 A. Oh, yes, Kiara know about it.</p> <p>9 Q. Anyone else?</p> <p>10 A. No.</p> <p>11 I'm sorry. Got something in my tooth. Oh,</p> <p>12 I got it.</p> <p>13 Q. We talked earlier about other, you know, jobs you</p> <p>14 applied for, et cetera.</p> <p>15 Do you remember exactly when you applied for</p> <p>16 any of those jobs, how many jobs you applied for, things</p> <p>17 like that?</p> <p>18 A. I don't --</p> <p>19 Q. Other than the ones we talked about?</p> <p>20 A. No, because -- no, not other than what we talked</p> <p>21 about.</p> <p>22 Q. And so over the year and a half, plus or minus,</p> <p>23 that you were out of work, those are the jobs that you</p> <p>24 applied for in that span of time, correct?</p> <p>25 A. Correct.</p>

Page 138	Page 140																																																															
<p>1 Q. Have you applied for any jobs since you started</p> <p>2 your current position?</p> <p>3 A. I actually tried to apply for -- at -- it's</p> <p>4 called Bare now. It was formally Babe's and they closed</p> <p>5 it down, and then they reopened it and renamed it. And I</p> <p>6 put in a application there -- let me try to get the -- the</p> <p>7 dates right. It was -- I know it was last year around</p> <p>8 March -- March or April-ish, and I went in there to put</p> <p>9 the application. I actually saw Erica, the waitress from</p> <p>10 Foxy's, was there, so I didn't even go apply with them.</p> <p>11 Q. Have you ever been involved in any other</p> <p>12 lawsuits?</p> <p>13 A. No.</p> <p>14 Q. Other than your divorce?</p> <p>15 A. No.</p> <p>16 Q. No one ever remembers the divorce.</p> <p>17 A. [Laughter.]</p> <p>18 Q. It is technically a lawsuit.</p> <p>19 Any other claims that you've been a part of?</p> <p>20 Any other EEOC charges you've ever filed?</p> <p>21 A. No.</p> <p>22 Q. I think we've gone over, you know, kind of the</p> <p>23 entire timeline, and I think we've talked all the events.</p> <p>24 Are there any other details -- I think we've</p> <p>25 gone through them enough times that we've gotten all the</p>	<p>1 CHANGES AND SIGNATURE</p> <p>2 TANGALA CARTER</p> <p>3 Friday, October 16, 2020</p> <p>4</p> <table border="1"><thead><tr><th>PAGE/LINE</th><th>CHANGE</th><th>REASON</th></tr></thead><tbody><tr><td>6</td><td></td><td></td></tr><tr><td>7</td><td></td><td></td></tr><tr><td>8</td><td></td><td></td></tr><tr><td>9</td><td></td><td></td></tr><tr><td>10</td><td></td><td></td></tr><tr><td>11</td><td></td><td></td></tr><tr><td>12</td><td></td><td></td></tr><tr><td>13</td><td></td><td></td></tr><tr><td>14</td><td></td><td></td></tr><tr><td>15</td><td></td><td></td></tr><tr><td>16</td><td></td><td></td></tr><tr><td>17</td><td></td><td></td></tr><tr><td>18</td><td></td><td></td></tr><tr><td>19</td><td></td><td></td></tr><tr><td>20</td><td></td><td></td></tr><tr><td>21</td><td></td><td></td></tr><tr><td>22</td><td></td><td></td></tr><tr><td>23</td><td></td><td></td></tr><tr><td>24</td><td></td><td></td></tr><tr><td>25</td><td></td><td></td></tr></tbody></table>	PAGE/LINE	CHANGE	REASON	6			7			8			9			10			11			12			13			14			15			16			17			18			19			20			21			22			23			24			25		
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<p>1 details.</p> <p>2 But are there any other details of any of</p> <p>3 those events that you haven't mentioned that you're</p> <p>4 thinking: Oh, I need to mention or that I missed or</p> <p>5 anything like that?</p> <p>6 A. No, not that I can think of. I think -- yeah, we</p> <p>7 went over everything.</p> <p>8 Q. Then I appreciate your time today. While, as you</p> <p>9 know, I disagree, and my client disagrees. I still wanted</p> <p>10 to be here and be respectful and hear your story, and I'm</p> <p>11 glad we have had that opportunity today, and again, while</p> <p>12 we disagree on what you're alleging here, we do wish you</p> <p>13 the best -- or at least I certainly do wish you the best,</p> <p>14 and I hope you can complete your RN and move forward. But</p> <p>15 thank you for your time.</p> <p>16 MR. McKAY: And I'll pass the witness.</p> <p>17 MR. SIMON: And we'll reserve our questions</p> <p>18 for the time of trial.</p> <p>19 MR. McKAY: Thank you, Ms. Carter. We are</p> <p>20 done.</p> <p>21 THE VIDEOGRAPHER: All right. The time is</p> <p>22 approximately 1:47, and this concludes today's deposition.</p> <p>23 (Deposition concluded at 1:47 p.m.)</p> <p>24 * * * * *</p> <p>25</p>	<p>1 I, TANGALA CARTER, have read the foregoing</p> <p>2 deposition and hereby affix my signature that same is true</p> <p>3 and correct, except for the changes noted above.</p> <p>4</p> <p>5 _____</p> <p>6 TANGALA CARTER</p> <p>7</p> <p>8</p> <p>9</p> <p>10 COUNTY OF: _____ \$</p> <p>11 STATE OF: _____ \$</p> <p>12</p> <p>13 Before me, _____, on</p> <p>14 this day personally appeared TANGALA CARTER, known to me</p> <p>15 (or proved to me under oath or through _____) to be</p> <p>16 the person whose name is subscribed to the foregoing</p> <p>17 instrument and acknowledged to me that they executed the</p> <p>18 same for the purposes and consideration therein expressed.</p> <p>19</p> <p>20 Given under my hand and seal of office this</p> <p>21 _____ day of _____, ____.</p> <p>22</p> <p>23 _____</p> <p>24 NOTARY PUBLIC IN AND FOR</p> <p>25 THE STATE OF _____</p> <p>My Commission Expires: _____</p>																																																															

Tangala Carter
October 16, 2020

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF TEXAS
3 TANGALA CARTER,)
4 Plaintiff,)
5 VS.) C.A. NO. 1:19-CV-588
6 CALIFORNIA GRILL, LLC)
7 d/b/a FOXY'S CABARET,)
8 Defendant.)

9
10 REPORTER'S CERTIFICATION
11 ORAL & VIDEOTAPED DEPOSITION OF
12 TANGALA CARTER
13 FRIDAY, OCTOBER 16, 2020

14 I, Kari J. Behan, CSR, RPR, CRR, and in and for the
15 State of Texas, do hereby certify that the facts as stated
16 by me in the caption hereto are true;

17 That there came before me the aforementioned named
18 person, who was by me duly sworn to testify the truth
19 concerning the matters in controversy in this cause;

20 And that the examination was reduced to writing by
21 computer transcription under my supervision; that the
22 deposition is a true record of the testimony given by the
23 witness.

24 I further certify that I am neither attorney or
25 counsel for, nor related to or employed by, any of the
26 parties to the action in which this deposition is taken,
27 and further that I am not a relative or employee of any
28 attorney or counsel employed by the parties hereto, or
29 financially interested in the action.

30 Given under my hand and seal of office on this 4th
31 day of November, 2020.

Page 143

1 *Kari Behan*
2 _____
3 KARI BEHAN, CSR, CCR, RPR, CRR
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